
TIGARD CITY COUNCIL
MEETING

JUNE 22, 2004 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead-time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting date by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
June 22, 2004

6:30 PM

- **STUDY SESSION**

EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss exempt public records and pending litigation under ORS 192.660(2)(f)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Review of WCCLS Levy Results

7:30 PM

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. VISITOR'S AGENDA (Two Minutes or Less, Please)

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Appoint Councilor Brian Moore to Vice-President of the Joint Water Commission
- 3.2 Endorse Metro Transportation Improvement Plan (MTIP) Application Package: Resolution No. 04-_____
- 3.3 Approve Budget Amendment #21- Increase funding for City Attorney Expenditures: Resolution No. 04 - _____
- 3.4 Approve Budget Amendment #23- Funding for Temporary Staff in City Management: Resolution No. 04 - _____
- 3.5 Adopt SEIU Contract & Authorize City Manager to Sign: Resolution No. 04-_____
- 3.6 Appoint Downtown Task force Members: Resolution No. 04 - _____
- 3.7 Amend Municipal Judge Michael O'Brien's Contract: Resolution No. 04-_____

- 3.8 Approve the Washington County Inter-Library Information Network Agreement
- 3.9 Local Contract Review Board
 - a. Award the Contract for Self-Check Machines for New Library to 3M
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
- 4. CONSIDER COUNCIL ACTION RELATED TO THE PORTLAND WATER CONTRACT
 - a. Staff Report: Public Works Staff
 - b. Council Discussion
 - c. Council Consideration: Motion directing staff on how to proceed regarding the Portland Water Contract.
- 5. UPDATE ON THE NEW LIBRARY
 - Staff Report: Library Staff
- 6. CONSIDER ST. VINCENT DE PAUL AFFORDABLE HOUSING GRANT
 - a. Staff Report: Administration Staff
 - b. Council Discussion
 - c. Council Consideration: Motion directing staff on how to proceed
- 7. PUBLIC HEARING – ADOPT SUPPLEMENTAL BUDGET FY 03-04, MAKE APPROPRIATIONS AND CREATE STREET MAINTENANCE FEE FUND.
 - a. Open Public Hearing
 - b. Summation by Finance Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 04-_____
- 8. PUBLIC HEARING – CONSIDER RESOLUTION FORMING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 (SW Murdock Street, 100th Avenue)
 - a. Open Public Hearing
 - b. Summation by Engineering Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion

- f. Close Public Hearing
 - g. Council Consideration: Resolution No. 04-_____
9. PUBLIC HEARING – CONSIDER RESOLUTION FINALIZING THE FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29 (SW Park Street, Derry Dell Court)
- a. Open Public Hearing
 - b. Summation by Engineering Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 04-_____
10. PUBLIC COMMENT – BULL MOUNTAIN ANNEXATION – SUBCOMMITTEE WHITE PAPERS
- a. Open Public Hearing
 - b. Summation by Community Development Staff
 - c. Public Comments
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 04-_____
11. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss exempt public records under ORS 192.660(2)(f). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. COUNCIL LIAISON REPORTS
13. NON-AGENDA ITEMS
14. ADJOURNMENT

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AGENDA ITEM # _____
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Review of the May 2004 WCCLS Levy

PREPARED BY: Margaret Barnes DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Review of the impacts of the failure of the WCCLS Operational Levy and discussion of potential WCCLS future operational levies.

STAFF RECOMMENDATION

Provide direction to staff regarding Tigard's position concerning a future WCCLS Levy.

INFORMATION SUMMARY

Since the May 2004 WCCLS Operational Levy failed because of less than a 50% voter turnout in Washington County, there currently are discussions being held to explore the option for a similar levy to be placed on the November 2, 2004 ballot. At the June 2, Cooperative Library Advisory Board (CLAB) meeting, board members were asked to poll their local jurisdictions with the following questions.

1. Will your library/jurisdiction support a November 2004 WCCLS levy request?
2. If your answer to #1 is No, but a majority of other CLAB members say Yes, would you go along with the will of the group? (Not just remain neutral, but actively do your part to support the levy.?)
3. If the recommendation is to forego a November 2004 levy and wait until November 2006, how would that effect the short-term and long-term decisions that your library/jurisdiction might make?

The CLAB Board, at their July 7 meeting, will make a decision whether to recommend or not recommend to the County Board of Commissioners the placement of a WCCLS Operational Levy on the November 2004 ballot. The attached memo provides additional background information. Staff will be prepared to answer questions.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

Memo.

FISCAL NOTES

None.



MEMORANDUM CITY OF TIGARD

To: Tigard City Council

Fr: Margaret Barnes, Library Director *Margaret Barnes*

Re: Potential November 2004 WCCLS Operation Levy

Date: June 10, 2004

C: Bill Monahan, City Manager

With the failure of the May 2004 WCCLS Operational Levy discussions are currently being held to explore the viability for a similar levy to be placed on the November 2, 2004 ballot. At the June 2, Cooperative Library Advisory Board (CLAB) meeting board members were asked for their opinion regarding the placement of a similar levy on the November ballot. The responses are listed below:

Banks: Mixed support-may have a local public safety levy

Beaverton: Not sure?

Cornelius: Supports a November levy-is also looking at a local option levy

Cedar Mill: Wait unless firm commitment by all jurisdictions to support levy

Forest Grove: Yes-may also be looking at a local option levy if there is no WCCLS levy

Garden Home: Supports November Levy

Hillsboro: Wait-Don't go this November (Hillsboro will have a \$22 million bond for library construction on the November ballot)

Sherwood: Neutral at best

Tualatin: Does not support November ballot-concern about TVF&R & public safety measures that will be on the ballot

Tigard: Not sure

West Slope: Yes-supports a November levy

In addition to the poll conducted at the CLAB meeting board members were asked to pose the following questions to their local jurisdiction:

1. Will your library/jurisdiction support a November 2004 WCCLS levy request?
2. If you answer to #1 is No, but a majority of other CLAB members say Yes, would you go along with the will of the group? (Not just remain neutral, but actively do your part to support the levy?)

3. If the recommendation is to forego a November 2004 levy and wait until November 2006, how would that effect the short-term decisions that your library/jurisdiction might make?

Other measures likely to be on the November 2004 ballot that will have tax ramifications include:

- TVF&R Measure
- Washington County Public Safety Measure
- Renewal of an operation levy for Tigard-Tualatin School District
- Bull Mt. Annexation

At the May 27 Library Director's meeting which all Director's from WCCLS member libraries attend the following schedule information was shared:

5-6 Libraries (Including Hillsboro & likely Beaverton) will have no reduction in open hours to the public even with the failure of the May operational levy.

The CLAB Board, at their July 7 meeting, will make a decision whether to recommend or not recommend to the County Board of Commissioners, the placement of a WCCLS Operational Levy on the November 2004 ballot.

AGENDA ITEM # 3.1
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointment of Brian Moore as Tigard's Vice Chair of the Joint Water Commission

PREPARED BY: Bill Monahan DEPT HEAD OK *[Signature]* CITY MGR OK *[Signature]*

ISSUE BEFORE THE COUNCIL

Should the City Council appoint Councilor Brian Moore as Tigard's Vice Chair of the Joint Water Commission?

STAFF RECOMMENDATION

Staff recommends that the City council appoint Councilor Brian Moore, Tigard's and the Intergovernmental Water Board's primary representative to the Joint Water Commission, as its Vice Chairman of the Joint Water Commission.

INFORMATION SUMMARY

Tigard recently became a member of the Joint Water Commission. The Commission has the following members: Hillsboro, Beaverton, Forest Grove, Tualatin Valley Water District, and Tigard. The presiding officer at business meetings is the Chair. Each of the jurisdictions is allowed to appoint a Vice Chair to act in place of the Chair if the need arises.

As the newest member of the Commission, Tigard has not officially designated a Vice Chair. Councilor Brian Moore has been designated as Tigard's primary representative to the Commission, backed by Councilor Richard Winn of King City (a member of the Intergovernmental Water Board) and City Manager Bill Monahan. It is appropriate to designate Councilor Moore as Vice Chairman and report the appointment to the Joint Water Commission at its next meeting in July.

OTHER ALTERNATIVES CONSIDERED

Appoint either King City Councilor Winn or City Manager Monahan.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

None.

FISCAL NOTES

There is no financial impact created by this action.

AGENDA ITEM # 3, 2
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution endorsing priority projects for the 06-09 Metro Transportation Improvement Program (MTIP) application and authorizing the City of Tigard to apply for funds.

PREPARED BY: Julia Hajduk QHA DEPT HEAD OK JPH CITY MGR OK W

ISSUE BEFORE THE COUNCIL

- 1.) Should the Council endorse the identified projects for MTIP application?
- 2.) Should the Council authorize the City to submit applications for the identified projects?

STAFF RECOMMENDATION

Adopt the resolution which will both endorse the projects and authorize the City to submit applications for the 06-09 MTIP program.

INFORMATION SUMMARY

Approximately \$41 million are available for transportation from federally authorized funds. The funds will be allocated in the Metro area through the Transportation Priorities 06-09 program (also known as MTIP - Metro Transportation Improvement Program). Metro has solicited projects for consideration and applications are due June 30th. The funding for projects through this allocation would be available fiscal year 2008-09.

After reviewing the MTIP criteria, potential project costs and the project need, the Engineering, Community Development and Public Works Departments recommended submittal of the four MTIP projects, which are summarized in Exhibit A (attached), to the City Council at their 5/25 meeting.

As part of the project review and funding process, a resolution of endorsement from the governing body sponsoring the project is needed. The resolution of endorsement, if approved, would be submitted to Metro as part of the application packet. In addition, because the project match requirements exceed \$25,000, the City Council must also approve the application for the funds.

OTHER ALTERNATIVES CONSIDERED

Suggest revisions to the proposed projects.

Do not adopt the resolution – this would result in the City not applying for the available funds.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic, Goal 1 - strategy 2 – “Encourage through traffic on major and minor arterials”
Transportation and Traffic Goal 3 - strategy 2 – “Encourage uses of alternate modes”, and
strategy 3 – “Encourage development of alternate modes”

Urban and public services, parks and greenways, Goal 2 – “Open space and greenways areas are preserved and protected”

ATTACHMENT LIST

Attachment 1 – Draft Resolution

Exhibit A – Summary of Projects

FISCAL NOTES

If approved, the grant funds for all projects would bring \$4,052,757 to the City budget and the City would match \$3,046,242.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-

A RESOLUTION OF THE TIGARD CITY COUNCIL ENDORSING PROJECTS FOR THE 06-09 METRO TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) APPLICATION AND AUTHORIZING THE CITY OF TIGARD TO APPLY FOR FUNDS.

WHEREAS, approximately \$41 million dollars are available in regional flexible transportation funds for eligible projects through the MTIP process; and

WHEREAS, after reviewing the MTIP criteria, potential project costs and the project need, the Engineering, Community Development and Public Works Departments recommend submittal of the following four MTIP projects,

- Washington Square Regional Center Greenbelt Trail,
- Greenburg Road widening,
- Extension of Ash street between Burnham and the proposed commuter rail parking lot, and
- BPA power line trail; and

WHEREAS, the proposed projects are described in more detail in Exhibit A; and

WHEREAS, the construction of both Greenburg Road and the segment of the Washington Square Regional Center Greenbelt Trail will help to implement portions of the Washington Square Regional Center Plan; and

WHEREAS, the extension of Ash Street between Burnham and the proposed commuter rail park and ride lot will benefit the commuter rail station, downtown Tigard and the Transportation System Plan; and

WHEREAS, the BPA powerline trail is identified as a regional trail, implements the Tigard Park Master Plan and will eventually create a continuous trail from Beef Bend north through Beaverton to Farmington Road; and

WHEREAS, if the City received funding for all four projects as proposed, the total local match would be \$3,046,243 coming from various funds including the TIF fund and the Parks fund, and

WHEREAS, the funds, if approved, would not be allocated until fiscal year 2008-09 allowing ample time to include these projects into the City's CIP budget.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The projects summarized in Exhibit A are the City's priority projects for the 06-09 MTIP submittal and the City fully supports the projects for funding consideration.

SECTION 2: The City Council authorizes the submission of MTIP applications for these projects realizing there will be a local match requirement of 10.27% of the funds allocated, and that a match of 72.9% is proposed for Greenburg Road.

RESOLUTION NO. 04-

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

MTIP project description summary

- 1. Project:** Greenburg Road widening to 5 lanes between Washington Square Drive and Tiedeman (Roadway capacity project)
- Estimated cost:** \$3,700,000 (City match - \$2,700,000)
- Description:** Widen Greenburg Road to 5 lanes from Shady Lane to North Dakota. The project is located wholly within the Washington Square Regional Center. Project funding for Preliminary Engineering (PE) and acquisition has been granted in previous MTIP cycles. Tigard is asking for 1 million dollars for this project which results in Tigard providing a 72% match.
- Anticipated fund and budget year:** TIF – '07-'08
-

- 2. Project:** Off-street greenbelt trail between the existing Fanno Creek Trail and Highway 217.
- Estimated cost:** \$1,256,220 (City match - \$143,780)
- Description:** The project is located entirely within the Washington Square Regional Center and will provide another link in the greenbelt trail system concept adopted as part of the Washington Square Regional Center plan. This phase of the project will go from Highway 217 at Shady lane, west to the railroad tracks. The path will then go south for a short distance to North Dakota and follow North Dakota west to the existing Fanno Creek trail
- Anticipated fund and budget year:** Parks '08-'09
-

- 3. Project:** BPA Powerline Trail
- Estimated cost:** \$1,050,000 (local match \$107,835)
- Description:** This is identified as a regional trail and implements the Tigard Park Master Plan. It will eventually create a continuous trail from Beef Bend north through Beaverton to Farmington Road.
- Anticipated fund and budget year:** Parks – 08-09
-

- 4. Project:** Ash Street extension between Burnham and commuter rail parking lot.

Estimated cost: \$949,000 (local match \$97,463)

Description: The extension of Ash Street between Burnham and the proposed commuter rail park and ride lot will be one part of the larger Walnut Street extension. The construction of this portion of Ash Street would allow access to the southern portion of the park and ride lot, thereby, providing the opportunity to design a second access. This would allow commuter rail patrons using the park and ride lot the option of entering and existing from either Main Street or Ash Street. The second access will not increase the number of trips, but rather will ease potential congestion along an already congested Main Street.

This project is not in the RTP on the financially constrained system, however, the City proposes to trade a portion of the construction of 72nd Avenue (RTP project # 6042). Because this project is a short length and will serve the commuter rail parking lot, it is anticipated that it will not result in any additional air quality impacts. This proposal is in accordance with the eligibility requirements and will require approval from JPACT and the Metro Council.

Anticipated fund

and budget year: TIF 08-09

AGENDA ITEM # 3.3
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING BUDGET AMENDMENT #21 TO THE FY 2003-04 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF CITY ATTORNEY EXPENDITURES.

PREPARED BY: Michelle Wareing DEPT HEAD OK CP CITY MGR OK MA

ISSUE BEFORE THE COUNCIL

Should the City Council approve Budget Amendment #21 to the FY 2003-04 City Attorney budget to cover the additional costs associated with union contract negotiations and unanticipated labor and litigation issues?

STAFF RECOMMENDATION

Approve Budget Amendment #21 to the FY 2003-04 City Attorney budget.

INFORMATION SUMMARY

This amendment to the City Attorney budget is necessary due to union contract negotiations and unanticipated labor and land use appeal issues. Council has been briefed on these issues at previous Executive Sessions. Staff is recommending that the amendment be for \$100,000. This amount is more than what is anticipated to actually be spent, but due to the many unknowns regarding union contract negotiations, LUBA (Land Use Board of Appeals) filings, and Bull Mountain Annexation special sessions in June, it is necessary.

OTHER ALTERNATIVES CONSIDERED

None considered, insufficient appropriations available

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution with Exhibit A
Memo from Michelle Wareing to Craig Prosser

FISCAL NOTES

This amendment transfers \$100,000 from the Central Services Fund Contingency to the City Attorney budget

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #21 TO THE FY 2003-04 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF CITY ATTORNEY EXPENDITURES.

WHEREAS, the City has experienced unanticipated attorney costs due to union contract negotiations, LUBA (Land Use Board of Appeals) filings, and labor issues; and

WHEREAS, the adopted FY 2003-04 budget for City Attorney expenditures is not sufficient to cover the total estimated costs for attorney fees; and

WHEREAS, Oregon State Budget Law prohibits jurisdictions from over spending appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2003-04 Adopted Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2003-04
Budget Amendment #21

FY 2003-04 Current Budget	Budget Amendment #21	FY 2003-04 Revised Budget
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Central Services Fund

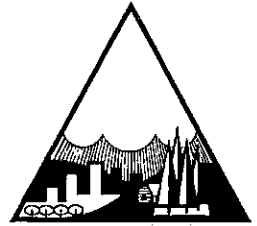
Resources

Beginning Fund Balance	523,050		523,050
Interest Earnings	10,461		10,461
Transfers In from Other Funds	4,458,623		4,458,623
Total	\$4,947,134	\$0	\$4,947,134

Requirements

Policy & Administration Program	3,629,803		3,629,803
General Government	394,920	100,000	494,920
Program Expenditures Total	\$3,974,723	\$100,000	\$4,074,723
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$73,614		\$73,614
Contingency	\$237,272	(\$100,000)	\$137,272
Total Requirements	\$4,290,609	\$0	\$4,290,609
Ending Fund Balance	656,525		656,525
Grand Total	\$4,947,134	\$0	\$4,947,134

MEMORANDUM



TO: Craig Prosser, Finance Director

FROM: Michelle Wareing, Management Analyst *mw*

RE: City Attorney Budget Amendment

DATE: May 26, 2004

Due to union contract negotiations and unanticipated labor issues and land use appeals, it is anticipated that the City Attorney expenditures will exceed the budget amount of \$185,000. As of May 26, 2004, total City Attorney expenditures for FY 2003-04 are \$176,403.53. This amount is for attorney services through April 30, 2004. There are still two months of attorney expenditures to be received.

I have consulted with Sandy Zodrow, Human Resources Director, on what the labor attorney costs could be for May and June 2004. Sandy indicated that more attorney time is being spent on negotiations and that several labor issues, non-contract related, have arisen. These labor issues could either be resolved quickly or could become larger issues. Also, the labor attorney has requested to increase the billing rates, but this is still under negotiation. Sandy has estimated that labor attorney bills will be approximately \$35,000 for May and June, but this doesn't include any billing rate increase or the new labor issues.

In addition to labor attorney costs, the City has experienced large attorney costs associated with land use appeals to LUBA (Land Use Board of Appeals). Currently, there are three appeals with LUBA and one with the Court of Appeals. When these appeals go to trial is unknown. Attorney costs increase significantly when a case actually goes to trial. It is being estimated that the minimum cost for the remaining two months of the year will be \$10,000, but could be much larger if any of the cases go to trial.

Besides the labor and LUBA attorney costs, the City incurs other attorney costs on monthly basis. These monthly costs vary depending on usage. In June, the City Council will be discussing the Bull Mountain Annexation and it is anticipated that there will be at least three additional special sessions. It is the intent of the City to have the City Attorney be present at these additional meetings. Currently, the City Attorney only attends one Council meeting per month. It is estimated that non-labor and non-LUBA attorney costs will be about \$10,000 total for both May and June. This amount is based on past, regular usage. However, this estimate doesn't include the cost of the additional meetings or any "out of the ordinary" issues.

Last fiscal year, a budget amendment was done at the end of the year for City Attorney costs. The original budget was \$192,100 and it was amended by \$25,000, thereby producing a new budget of \$217,100. The actual expenditures for FY 2002-03 were \$226,493. Even with the amendment, City Attorney costs still exceeded the budgeted amount, which is a violation of State Budget Law. This violation had to be noted in the City's Comprehensive Annual Financial Report (CAFR). The City cannot allow the City Attorney budget to be over-expended again.

I am recommending that the City Attorney budget for FY 2003-04 be amended by \$100,000. Although this amount is higher than what is estimated to actually be spent, I believe it is necessary. As stated above, total City Attorney expenditures through April 2004 are \$176,543. In FY 2002-03, the last two months of attorney bills equaled \$73,398. Assuming the same expenditure amount, the FY 2003-04 City Attorney budget would need to be amended by \$65,000. I have added a \$35,000 cushion due to the many unknowns that have the potential to generate large attorney bills. It should be noted that any unused portion of the City Attorney budget will be rolled into the fund balance.

AGENDA ITEM # 3.4
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING BUDGET AMENDMENT #23 TO THE FY 2003-04 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF TEMPORARY STAFF IN THE CITY MANAGEMENT DIVISION BUDGET.

PREPARED BY: Michelle Wareing DEPT HEAD OK CR CITY MGR OK um

ISSUE BEFORE THE COUNCIL

Should the City Council approve Budget Amendment #23 to the FY 2003-04 City Management budget for funding of temporary staff?

STAFF RECOMMENDATION

Approve Budget Amendment #23 to the FY 2003-04 City Management budget.

INFORMATION SUMMARY

This amendment to the City Management budget is necessary due to the unanticipated leave of a staff member. This staff member will need to be replaced with temporary staffing until the leave has ended. There will be no salary savings as the staff member on leave will be using accrued paid time. The amendment amount will cover the cost of two temporary, full-time positions for the month of June.

OTHER ALTERNATIVES CONSIDERED

None considered, insufficient appropriations available

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution with Exhibit A

FISCAL NOTES

This amendment transfers \$6,739 from the Central Services Fund Contingency to the City Management budget.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #23 TO THE FY 2003-04 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF TEMPORARY STAFF IN THE CITY MANAGEMENT DIVISION BUDGET.

WHEREAS, a staff member will be taking an unanticipated leave of absence; and

WHEREAS, temporary staffing will need to be hired to perform the job duties of this staff member; and

WHEREAS, there will be no salary savings as the staff member on leave will be using accrued paid time; and

WHEREAS, additional appropriations are needed to fund the temporary staffing costs.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. The FY 2003-04 Budget of the City of Tigard is amended as shown in Exhibit A to this resolution.

SECTION 2. This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2003-04
Budget Amendment # 23

FY 2003-04 Current Budget	Budget Amendment # 23	FY 2003-04 Revised Budget
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Central Services Fund

Resources

Beginning Fund Balance	523,050		523,050
Interest Earnings	10,461		10,461
Transfers In from Other Funds	4,458,623		4,458,623
Total	\$4,947,134	\$0	\$4,947,134

Requirements

Policy & Administration Program	3,629,803	6,739	3,636,542
General Government	394,920		394,920
Program Expenditures Total	\$3,974,723	\$6,739	\$3,981,462
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$73,614		\$73,614
Contingency	\$137,272	(\$6,739)	\$130,533
Total Requirements	\$4,290,609	\$0	\$4,290,609
Ending Fund Balance	656,525		656,525
Grand Total	\$4,947,134	\$0	\$4,947,134

AGENDA ITEM # 3.5
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adoption of new collective bargaining agreement between City of Tigard and SEIU Local 503/OPEU and authorization for City Manager to sign

PREPARED BY: Sandy Zodrow, HR Director DEPT HEAD OK lma CITY MGR OK lma

ISSUE BEFORE THE COUNCIL

Should the Council approve a new collective bargaining agreement between the City of Tigard and SEIU Local 503/OPEU for the period of July 1, 2004 to June 30, 2007

STAFF RECOMMENDATION

Adopt the attached Resolution adopting a new collective bargaining agreement with SEIU Local 503/OPEU and authorizing the City Manager to sign the agreement

INFORMATION SUMMARY

The terms of this agreement with SEIU/OPEU and the City of Tigard were reviewed with your Council at its Executive Session of June 8, 2004. The current collective bargaining agreement will expire June 30, 2004. Major economic highlights of this new agreement include a three (3) year contract expiring in June of 2007; a 2.2% increase to the salary schedule effective October 1, 2004; and increases to the salary schedule effective October 1, 2005 and October 1, 2006 based on the CPI-W, West Index (annual average) minimum 2% maximum 4% (a reduction from the current 2.5% to 5% formula). The City will establish a VEBA (Voluntary Employee Beneficiary Account) and contribute \$600 per year to it (\$50/month). The current health insurance plan Blue Cross VA/PPP (\$100/\$300 deductible) will change to Blue Cross plan VC/PPP (\$300/\$900 deductible) effective August 1, 2004. Scheduling language as it relates to holidays sought by the Library Department will be implemented effective July 1, 2004. Salary range adjustments of 2.5% for 3 job classifications (Urban Forrester, Water Quality Program Coordinator, Permit Specialist) will be implemented in July 1, 2005. A salary range adjustment for Code Compliance Specialist of 5% will be implemented July 1, 2004. These salary range adjustments will effect six (6) employees in the unit. The City obtained a few other language improvements to operational efficiency as the result of the negotiations.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

ATTACHMENT LIST

None

FISCAL NOTES

A budget amendment will be submitted by the Finance Department in July to implement this contract

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-

A RESOLUTION ADOPTING A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF TIGARD AND SEIU LOCAL 503/OPEU AND AUTHORIZING THE CITY MANAGER TO SIGN.

WHEREAS, the current collective bargaining agreement with SEIU Local 503/OPEU expires June 30, 2004

WHEREAS, a new collective bargaining agreement has been negotiated for the period of July 1, 2004 to June 30, 2007

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The collective bargaining agreement between the City of Tigard and SEIU Local 503/OPEU, effective July 1, 2004 through June 30, 2007 is hereby adopted.

SECTION 2: The City Manager is authorized to sign the collective bargaining agreement described herein upon ratification of SEIU Local 503/OPEU and adoption by the City Council

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # 3.6
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appoint Downtown Task Force members

PREPARED BY: Susan Koepping W DEPT HEAD OK W CITY MGR OK W

ISSUE BEFORE THE COUNCIL

The appointment of additional Downtown Task Force members.

STAFF RECOMMENDATION

Adopt the attached resolution approving the recommended appointments.

INFORMATION SUMMARY

March 9, 2004, the City Council authorized the appointment of twelve additional members to the Downtown Task Force to double the size of the existing task force. The enlarged task force will build on the work done in the past 18 months, using that information to draft a downtown redevelopment plan.

Four new members were appointed on April 13. Two more were appointed on May 11. Appointment of the eight individuals named in the attached resolution will complete the expansion of the Task Force.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Resolution
Biographical information on appointees

FISCAL NOTES

None

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION APPOINTING HEATHER GUEVARA, SUSAN MORELLI, DAN MURPHY, LISA OLSON, NICOLE PALMATEER, YUDHI PATEL, CATHERINE RENKEN AND JOHN WILSON TO THE DOWNTOWN TASK FORCE

WHEREAS, the City Council approved the expansion of the Downtown Task Force through Resolution 04-16 on March 9, 2004 because of the complexity of completing a redevelopment plan for the defined area, and

WHEREAS, Heather Guevara, Susan Morelli, Dan Murphy, Lisa Olson, Nicole Palmateer, Yudhi Patel, Catherine Renken and John Wilson expressed interest in serving on the Downtown Task Force and were interviewed by the Mayor's Appointments Advisory Committee on June 1, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Heather Guevara, Susan Morelli, Dan Murphy, Lisa Olson, Nicole Palmateer, Yudhi Patel, Catherine Renken and John Wilson are appointed to serve on the Downtown Task Force.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Biographical information on the Downtown Task Force appointees.
June 2004

Heather Guevara resides on the west side of Tigard, and has lived in this area for about two years. She is currently a student at a local university, works for a Washington County municipality and is actively involved in her church.

Susan Morelli lives in the urban service area beyond the Tigard city limits. She has lived in the area for six years. Susan has a bachelor's degree from the University of South Carolina. She volunteers in the local schools and indicates she is a "household manager".

Dan Murphy lives near Tigard High School and has been a Tigard resident for eleven years. He is general manager of a local non-profit theatre company, and an active volunteer in Tigard elementary and middle schools, the Chamber of Commerce and Rotary.

Lisa Olson is also a resident of the urban service area outside the Tigard city limits. She has lived in this area for over 20 years. The owner of a local marketing business, Lisa is a graduate of Portland State University. She participates actively in a variety of community organizations and school activities.

Nicole Palmateer lives in the center of Tigard, and has been a Tigard resident for about 1.5 years. A graduate of George Fox University and Willamette University, Nicole is the Executive Director of a state-wide non-profit organization. She serves as a resource and volunteer for a variety of organizations.

Yudhi Patel resides on the western edge of Tigard and has lived in the community for eight years. He holds an MBA from UCLA and works for a local high tech firm. He coordinates the India Festival, and enjoys tennis and outdoor activities with his family.

Catherine Renken lives in the unincorporated area of Bull Mountain and has lived in the metropolitan area for seventeen years. Cathy has a Masters degree in nursing, and has been very active in a variety of services related to children who have special health needs and their families. She has also been an elected official and is an active community volunteer.

John Wilson lives in central Tigard, and has lived in Tigard for over twenty years. A graduate of Tigard public schools, John went on to get a Bachelors degree at George Fox University. He is employed as a quality assurance engineer for a large Oregon company. He is also an active community volunteer as a coach and reading tutor.

AGENDA ITEM # 3.7
FOR AGENDA OF 06/22/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Amendment to Municipal Court Judge's Personal Services Agreement

PREPARED BY: Nadine Robinson *NR* DEPT HEAD OK *R* CITY MGR OK *[Signature]*

ISSUE BEFORE THE COUNCIL

Amendment of the Municipal Court Judge's personal services agreement. The amendment will increase compensation based on the increase in hours the Judge is working.

STAFF RECOMMENDATION

Approve amendment to Municipal Court Judge's personal services agreement.

INFORMATION SUMMARY

On July 1, 2003 the City entered into a two year personal services agreement with Michael J. O'Brien for services as Municipal Court Judge. The agreement requires review of compensation at the end of the 2003-2004 fiscal year and allows for appropriate adjustment of compensation.

At the time the agreement was entered into it was projected the Judge would work approximately 412 hours during the 2003-2004 fiscal year. As mentioned in the annual court report, the number of cases processed in 2003 was at an all time high, the number of people pleading not guilty to cases had increased, and as a result the Judge's work hours increased approximately 20 percent (for which he received no additional compensation.) The proposed amendment continues the projected hourly rate of \$75.00. However, the number of hours the Judge will work is being projected at 500 hours based on current history. With approval of the amendment to the agreement, Judge O'Brien will be compensated \$37,500 per year to preside over arraignments, trials and hearings, write orders, review and update municipal court rules and procedures, provide an annual court report and conduct research.

OTHER ALTERNATIVES CONSIDERED

Do not increase the Judge's compensation. This would require a reduction in caseload and court hours.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution with attached Personal Services Agreement Amendment
Personal Services Agreement for 07/01/03 – 06/30/05

FISCAL NOTES

Sufficient funds have been allocated in the 2004-2005 budget.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING AN AMENDMENT TO THE
PERSONAL SERVICES AGREEMENT WITH MICHAEL J. O'BRIEN, MUNICIPAL COURT JUDGE

WHEREAS, a two year personal services agreement for Municipal Judge's services was entered into with Michael J. O'Brien on July 1, 2003; and

WHEREAS, the agreement requires that compensation be reviewed at the end of the 2003-2004 fiscal year and allows for an increase in compensation as appropriate; and

WHEREAS, the judge's hours increased approximately 20 percent in the 2003-2004 fiscal year; and

WHEREAS, the City wishes to compensate the judge based on the number of hours worked annually;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The amendment to the Municipal Judge's personal services agreement as set forth in the attached Exhibit "A" is approved. The amendment to the personal services agreement will take effect on July 1, 2004.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



CITY OF TIGARD, OREGON
13125 SW Hall Blvd
Tigard, OR 97223
Phone: 503-639-4171

Personal Services Agreement
7/1/2003 – 6/30/2005
Municipal Court Judge's Personal Services Agreement

AMENDMENT #1

The personal services agreement between the City of Tigard, a municipal corporation of the State of Oregon, hereinafter called City, and Michael J. O'Brien, hereinafter called Municipal Court Judge, entered into on the 1st day of July, 2003, is hereby amended as follows:

Compensation

City agrees to pay Municipal Court Judge an amount not to exceed thirty seven thousand five hundred dollars (\$37,500.00) in the 2004 – 2005 fiscal year for performance of those services described in this Agreement.

IN WITNESS WHEREOF, City has caused this Amendment to be executed by its duly authorized undersigned officer and Municipal Court Judge has executed this Amendment upon signature and date listed below.

CITY OF TIGARD

Michael J. O'Brien, Municipal Court Judge

Signature

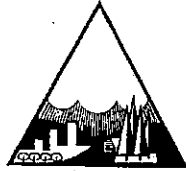
Signature

Printed Name

Printed Name

Date

Date



CITY OF TIGARD, OREGON
PERSONAL SERVICES AGREEMENT

THIS AGREEMENT made and entered into this 1st day of July, 2003 by and between the CITY OF TIGARD, a municipal corporation of the State of Oregon, hereinafter called CITY, and Michael J. O'Brien, hereinafter called MUNICIPAL COURT JUDGE.

RECITALS

City has need for services, as defined in Tigard Municipal Code 2.16, of an individual with particular training, ability, knowledge, and experience, and

City has determined that Municipal Court Judge is qualified and capable of performing the professional services as City does hereinafter require, under those terms and conditions set forth:

Therefore, the parties agree as follows:

SCOPE OF WORK

Municipal Court Judge agrees to provide the following services:

- Preside over arraignments, trials, and hearings for the following case types: civil infractions, criminal cases, juvenile violations, traffic violations, and parking citations;
- Oversee the Municipal Court judicial function;
- Update court orders and rules as needed;
- Provide an annual report to City Council;
- Research and additional projects as agreed to by the Municipal Court Judge and Administrative Services Manager.

EFFECTIVE DATE AND DURATION

This Agreement shall become effective upon the 1st day of July, 2003 and shall expire, unless otherwise terminated or extended, on the 30th of June, 2005. Compensation will be reviewed at the end of the 2003-2004 fiscal year to determine what adjustment is appropriate. If the court's caseload increases significantly, and results in a substantial increase in the Municipal Court Judge's hours, both parties agree to negotiate an appropriate adjustment in Municipal Court Judge's rate of compensation.

COMPENSATION

City agrees to pay Municipal Court Judge an amount not to exceed thirty thousand nine hundred dollars (\$30,900.00) annually for performance of those services described in this Agreement. Payment will be made in 26 bi-weekly installments based on Municipal Court Judge's invoice, subject to the approval of the Administrative Services Manager.

Contact Information

All notices, bills, and payments shall be made in writing and may be given by personal delivery, mail, or fax. Payments may be delivered by personal delivery, mail, or electronic transfer. The following addresses and contacts shall be used to transmit notices, bills, payments, and other information:

Contact Manager for City:	Municipal Court Judge:
City of Tigard	Company: Michael J. O'Brien
Attn: Nadine Robinson, Administrative Services Manager	Address: PO Box 711
13125 SW Hall Blvd., Tigard, Oregon 97223	City, State Zip Code: Forest Grove, OR 97116
Phone: 503-639-4171 ext. 2481	Phone: 503-357-0144
Fax: 503-684-7297	Fax: 503-359-4539
Email Address: nadine@ci.tigard.or.us	Email Address: rune@easystreet.com

MUNICIPAL COURT JUDGE AS INDEPENDENT CONTRACTOR

Municipal Court Judge acknowledges that for all purposes related to this Agreement, Municipal Court Judge is and shall be deemed to be an independent contractor as defined by ORS 670.600 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Municipal Court Judge is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Municipal Court Judge under the terms of this Agreement, to the full extent of any benefits or other remuneration Municipal Court Judge receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Municipal Court Judge or to a third party) as a result of said finding.

Municipal Court Judge acknowledges that for all purposes related to this Agreement, Municipal Court Judge is not an employee of the City as those terms are used in ORS 30.265.

PROFESSIONAL SERVICES

The CITY requires that services provided pursuant to this agreement shall be provided to the City by a service provider which does not represent clients on matters contrary to City interests. Further, Municipal Court Judge shall not engage services of an attorney and/or other professional who individually, or through members of his/her same firm, represents clients on matters contrary to City interests.

Should the Municipal Court Judge represent clients on matters contrary to City interests or engage the services of an attorney and/or other professional who individually, or through members of his/her same firm, represents clients on matters contrary to City interests, Municipal Court Judge shall consult with the appropriate City representative regarding the conflict.

After such consultation, the Municipal Court Judge shall have 30 days to eliminate the conflict to the satisfaction of the City. If such conflict is not eliminated within the specified time period, the agreement may be terminated pursuant to the termination clause in this agreement.

INDEMNIFICATION

City has relied upon the professional ability and training of Municipal Court Judge as a material inducement to enter into this Agreement. Municipal Court Judge warrants that all work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of a Municipal Court Judge's work by City shall not operate as a waiver or release.

City will defend and indemnify Municipal Court Judge for all actions taken while Municipal Court Judge is performing within the scope and responsibilities of the municipal court judge as provided in this agreement to the extent of the City's obligation pursuant to the Oregon Revised Statutes.

TERMINATION

The parties agree that any decision by either party to terminate this Agreement before the 30th of June, 2005 shall be accompanied by thirty (30) days written notice to the other party prior to the date termination would take effect. There shall be no penalty for early termination. If City terminates the contract pursuant to this paragraph, it shall pay Municipal Court Judge for services rendered prorated to the date of termination.

AGREEMENT MODIFICATIONS

Modifications to this Agreement are valid only if made in writing and signed by all parties.

OWNERSHIP OF WORK PRODUCT

City shall be the owner of and shall be entitled to possession of any and all work products of Municipal Court Judge which result from this Agreement, including any correspondence or pertinent data and information gathered by or computed by Municipal Court Judge prior to termination of this Agreement by Municipal Court Judge or upon completion of the work pursuant to this Agreement.

GOVERNING LAW

Municipal Court Judge shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or disability. The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. All provisions required by ORS Chapter 279 to be included in a contract of this type are incorporated into this Agreement as though fully set forth herein. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

COMPLETE AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Contractor, by the signature of its authorized representative, hereby acknowledges that he/she has read this Agreement, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, City has caused this Agreement to be executed by its duly authorized undersigned officer and Municipal Court Judge has executed this Agreement on the date hereinabove first written.

CITY OF TIGARD

Elizabeth M. Newton for WAM
By: Authorized City staff

June 25, 2003
Date

MUNICIPAL COURT JUDGE

Michael J. O'Brien
By: Service Provider

June 25, 2003
Date

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington County Inter-Library Information Network Agreement

PREPARED BY: Margaret Barnes DEPT HEAD OK MB CITY MGR OK UA

ISSUE BEFORE THE COUNCIL

Washington County has issued a new Washington County Inter-Library Information Network Agreement.

STAFF RECOMMENDATION

Approve the Washington County Inter-Library Information Network (WILnet) Agreement.

INFORMATION SUMMARY

The new WILnet Agreement is through June 30, 2009. This agreement covers the use and operation of the WILnet automated integrated library system including WILI (the public online catalog), internet resources and central site hardware countywide. This agreement shall be in effect from July 1, 2004, through June 30, 2009, except as otherwise provided in Section 14 of this Agreement. It is the intent of the parties that this Agreement become effective on July 1, 2004. This agreement has been reviewed by the City Attorney's office and no issues or concerns were identified.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

A. Washington County Inter-Library Information Network (WILnet) Agreement.

FISCAL NOTES

The City of Tigard (Library) is responsible for the purchase, installation and maintenance of peripheral equipment necessary to connect to WILnet.

Washington County Inter-Library Information Network (WILInet) Agreement

This Agreement is made by and between Washington County, a home rule subdivision of the State of Oregon hereinafter referred to as "County", on behalf of Washington County Cooperative Library Services, hereinafter referred to as "WCCLS" and the Cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard and Tualatin, Cedar Mill Community Library Association, Garden Home Community Library Association, Tuality Healthcare and Oregon College of Art and Craft, hereinafter referred to as "WILInet Users."

WHEREAS, the parties hereto are currently participants in the WCCLS Network;

WHEREAS, the parties are either units of local government empowered by ORS 190.010 to enter into an intergovernmental agreement, or are private non-profit agencies operating libraries, and

WHEREAS, WCCLS has purchased and installed an automated integrated library system and is desirous of making this system available for use by libraries in Washington County;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. DEFINITIONS

The following definitions shall be used in constructing the following phrases, terms and abbreviations in this Agreement:

- A) WCCLS (Washington County Cooperative Library Services) - An agency of county government which exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.
- B) WCCLS Network - The consortium of public, academic, special and school libraries in Washington County, which exists to provide countywide library service.
- C) WILInet (Washington County Inter-Library Information Network) - An integrated, automated library system, including but not limited to WILI, which is comprised of the integrated library system software (online circulation, public access catalog, cataloging and acquisitions software), software programs purchased by WCCLS and licensed for use at member libraries, other databases, Internet resources, central site hardware and telecommunications equipment. The necessary equipment, equipment configuration, communication links, and associated hardware and software necessary to provide the Integrated Library System (ILS), Internet access through WCCLS, and other appropriate network functions to member library locations. This includes but is not limited to equipment in the WCCLS office and WCCLS computer room.

- D) Host – Any intelligent device connected to WILInet that is addressable by a network/transport protocol. All workstations, network printers, routers, etc. are hosts.
- E) Broadband Users' Group – A membership organization through which WCCLS procures Internet and firewall network services.
- F) WCCLS Library Directors' Board - The executive body of the WCCLS Network; advisory to the Cooperative Library Advisory Board and the WCCLS Manager.
- G) WILInet Users' Group - A committee of the WCCLS Library Directors Board, advisory to the Automation Program Specialist/Library Systems Administration Supervisor on the operation of the automated library system as defined in the Library Directors' Board by-laws.
- H) Public Library Services Agreement - The Inter-Governmental Agreement between Washington County and library service providers to provide library services to all county residents, containing a reimbursement formula under which WCCLS makes payments to public libraries.
- I) Cooperative Library Advisory Board (CLAB) - The board appointed by the Washington County Board of Commissioners to develop, review and recommend library service policies, representing Public Library Services Agreement contractors and the West Slope Community Library. CLAB is advisory to the Board of Commissioners and to the Cooperative Library Services Manager.
- J) West Slope Community Library – The public library that is a department of WCCLS and managed by the County. For purposes of this Agreement, West Slope is treated as a WILInet Member Library, but is not a signatory to this Agreement.

2. TERM OF AGREEMENT

This agreement shall be in effect from July 1, 2004, through June 30, 2009, except as otherwise provided in Section 14 of this Agreement. It is the intent of the parties that this Agreement become effective on July 1, 2004.

3. OWNERSHIP AND MANAGEMENT OF WILInet

- A) The Washington County Board of Commissioners, as the governing body of WCCLS, retains final authority for decision-making related to WILInet and its operation.
- B) WCCLS shall have full ownership of all central site system hardware, software, and communications equipment and shall make the system available to the WILInet Users. All central site system upgrades will remain the property of WCCLS. All software and upgrades provided to WILInet Users by WCCLS will remain the property of WCCLS.

- C) Item records owned by WILnet Users, the associated bibliographic and patron records where the patron is registered at the WILnet User Library shall be considered the property of that WILnet User. On termination of this Agreement by either party WILnet User shall pay all reasonable costs associated with data extraction necessary to provide records in machine-readable format.

4. SERVICE AVAILABILITY

- A) WILnet shall be available for use twenty-four (24) hours a day except for routine maintenance and when software, hardware, or telecommunications upgrades/changes necessitate making the system unavailable. WCCLS agrees to provide WILnet User with prior notice of WILnet downtime if it will affect library operations and/or business hours except for unexpected outages due to WILnet failure or other circumstances beyond the control of WCCLS. No liability shall be assumed by WCCLS if WILnet experiences downtime.

- B) WCCLS staff shall be available to service WILnet and to support member libraries. No WILnet staff will be available on days that are official Washington County holidays.

The hours of service will be as follows:

8:00 am – 8:30 pm, Monday – Thursday;

8:00 am – 6:00 pm Friday,

9:00 am – 5:00 pm Saturday, and

10:30 am - 5:30 pm Sunday.

5. DATA RECOVERY

WCCLS will duplicate daily all data maintained in the WILnet database. WCCLS will rotate such tapes between on-site storage in a fire-safe box and off-site storage so that files can be reconstructed if a system malfunction occurs that requires restoring or rebuilding the databases, in whole or in part, from backup tapes. A minimum of one weekly tape will be stored in a location physically apart from the site of the central system in case of major disaster at the central site.

6. DUTIES AND RESPONSIBILITIES OF WCCLS

With the advice of the WILnet Users' Group, WCCLS shall:

- A) Purchase all central system hardware, software, and network equipment, housing such equipment in a suitable environment and maintaining said equipment in good operating condition.
- B) Purchase Integrated Library System client software licenses for WILnet Users and coordinate distribution of licenses.
- C) Provide, or contract for the provision of, maintenance of central site hardware, software, and the Wide Area Network.

- D) Employ personnel needed to maintain and operate WILInet and staff a help desk for in-person WILInet problem reporting and resolution.
- E) Administer contracts for all WILInet related software, network, hardware, and service vendors and organizations.
- F) Provide a source of, and maintain for WILInet Users, MARC bibliographic cataloging records and authority records in WILInet. This includes monitoring and evaluating bibliographic services to insure an appropriate and high quality bibliographic database.
- G) Purchase, and coordinate the use and licensing of, other library-related software licenses or equipment as deemed suitable by the Library Directors' Board.
- H) Purchase item barcodes and patron cards to be used by WILInet Users.
- I) Solicit requests from WILInet Users for group purchases of peripheral equipment when cost effective or desired by WILInet Users. WCCLS staff shall coordinate purchase of said equipment and invoice WILInet Users for cost plus 10%. Invoices will be issued at the time items are delivered or no later than June 1 of the year in which the equipment was purchased.
- J) Provide training and training materials to WILInet Users for WCCLS provided software.
- K) As time permits, assist WILInet User's staff with troubleshooting of Local Area Network cabling, equipment, software, and associated devices within WILInet User's building to which WILInet is connected.
- L) Provide specifications to WILInet Users for installation of peripheral equipment purchased through WCCLS.
- M) Provide documentation for the Integrated Library System.
- N) Provide software updates to WILInet Users for software programs purchased by WCCLS and licensed for use at member libraries.
- O) Regularly review the operations of WILInet hardware, software and network, evaluate performance, and develop plans for modifications, upgrades and new services, as outlined in the WCCLS Long Range Plan or as directed by WILInet Users.
- P) Provide periodic reports to WILInet Users on Wide Area Network performance and Integrated Library System performance.
- Q) Enforce Policies & Procedures adopted by the WILInet Users' Group and the Broadband Users' Group to coordinate orderly and secure use of the system.

- R) Conduct an independent network security audit of WILInet and implement recommendations to maintain the security and integrity of WILInet.
- S) Take steps to maintain WILInet security, up to and including terminating a connection between one or more network Hosts that appear to present a problem that threatens the security, integrity, or performance of WILInet. Prior notification of the impending disconnection will be given to the affected WILInet Users if time permits. Connectivity will be restored when the WCCLS staff determines that the problem is resolved or the threat removed.
- T) Manage WILInet pursuant to the terms and conditions of this Agreement.

7. DUTIES AND RESPONSIBILITIES OF WILINET USERS

The WILInet User shall:

- A) Participate in the use and operation of WILInet under the terms and conditions of this Agreement and the Policies & Procedures adopted by the WILInet Users' Group.
- B) Take full responsibility for linking item information for WILInet User's holdings to bibliographic records in the database.
- C) Provide, maintain, and administer Local Area Network cabling, equipment, software, and associated devices within WILInet User's building to which WILInet is connected.
- D) Provide site preparation, access, and environmental conditions necessary for optimal security and functioning of network hosts provided by WCCLS.
- E) Insure that devices configured by WILInet User and accessing WILInet comply at all times with hardware and software requirements deemed necessary by WCCLS staff.
- F) Insure that all Hosts connected to WILInet shall be secured and supervised by library staff during use. Public users shall not use staff workstations.
- G) Insure that any Host or device connected to WILInet shall neither cause, nor have the potential to cause, any network disruption, security breach, nor other deleterious outcome.
- H) Obtain permission from WCCLS before attaching any new type of equipment to WILInet.
- I) Notify WCCLS in advance of adding workstations that will run software programs purchased by WCCLS and licensed for use at member libraries.
- J) Protect system equipment and software from abuse, theft or misuse, and assume financial responsibility for repairing or replacing damaged equipment.

- K) Be responsible for system security by limiting access to non-public accounts to trained, authorized staff and volunteers.
- L) Notify WCCLS of changes in services, including but not limited to acquisition of additional domain accounts, ILS accounts, workstations, email accounts, and deletion of said accounts.
- M) Provide an inventory of WILnet Hosts in WILnet User's facility and connected to the Public Communications Network as needed by the Broadband Users Group.
- N) Conduct an annual inventory of WILnet software licenses in use by the WILnet User as instructed by WCCLS staff. Report inventory results by the November WILnet Users' Group meeting.
- O) Keep records and statistics when required by WCCLS to document system performance.
- P) Pay costs incurred by WCCLS for non-standard reports as defined by the WILnet Users' Group and WCCLS.
- Q) Designate at least one person as the WCCLS contact concerning use of the system.
- R) Reimburse WCCLS on a quarterly basis for the cost of printing and mailing patron notices.

9. CONFIDENTIALITY OF DATA

The patron and circulation records in the WILnet database shall be deemed to be exempt from public disclosure pursuant to ORS 192.502(22). All parties agree that they will not disclose patron and circulation information. All parties also agree that only library staff and designated library volunteers shall have access to such records in the course of operating the system. All parties may use patron name and address information for library purposes as long as it is used in accordance with the WILnet Policies & Procedures.

10. COST ALLOCATION FORMULA

WILnet Users which are not signatories to the Public Library Services Agreement, chiefly Tuality Health Resource Center and Oregon College of Art and Craft, shall be responsible for ten percent of their share of the cost allocation on an annual basis. These WILnet Users shall be notified of WILnet operating costs by April 1 as determined by the cost allocation formula used in EXHIBIT A "Cost Allocation Formula". These WILnet Member Libraries shall receive an invoice from WCCLS by April 15 for the annual cost, which shall be paid by June 30.

11. ADMISSION OF NEW WILnet USERS WHICH ARE NOT SIGNATORIES TO THE PUBLIC LIBRARY SERVICES AGREEMENT

WCCLS shall have the option of admitting other libraries to WILnet provided that any necessary system modification shall be undertaken to insure WILnet's continued security and performance.

Admission of New WILnet Users shall require unanimous approval of present WILnet Users and the Cooperative Library Advisory Board. New WILnet Users will be assessed a share of WILnet operating costs for the first year of membership as determined by the Cooperative Library Advisory Board. The "Cost Allocation Formula" in Exhibit A would be applicable during the second year and thereafter.

12. DEFAULT

A) Each of the following shall constitute a default:

1. Material noncompliance with the terms of the Agreement;
2. Misuse of WILnet system operating software, hardware, or peripherals.

B) In the event of a default by a WILnet User or by WCCLS, WCCLS or the WILnet User, respectively, shall:

1. Advise the party in writing of the alleged default and any action required to cure the default;
2. Set forth a time by which the default must be cured, a minimum of thirty (30) days.

13. MATERIAL NONCOMPLIANCE

A) In the event a WILnet User shall be found to be in material noncompliance under the terms of this Agreement, WCCLS may, following written notice to the WILnet User:

1. Prohibit WILnet User from the use of the WILnet system;
2. Take any action to cure or stop the default;
3. Recover any costs, expenses or disbursements incurred by WCCLS to cure the default.

B) In the event of an emergency involving, but not limited to, system damage or the breach of security or confidentiality of the database, WCCLS may lock out the WILnet User from the system without notice.

14. TERMINATION

A) The County shall have the right to terminate this Agreement in its entirety or as to any individual WILnet User upon sixty (60) days written notice, if it determines, in good faith, through an open, public process, that:

1. The public interest would be served by such termination;
2. Adequate funds are not available.

B) Each WILnet User shall have the right to terminate this Agreement upon sixty (60) days written notice, if the WILnet User determines, in good faith, that the public interest in its jurisdiction or area of service would be served by such termination.

C) County and each WILnet User shall have the right to terminate this Agreement for a default by the other party that has not been cured.

- D) Upon termination of this Agreement as to any individual WILInet User, this Agreement shall continue to be effective as to the remaining parties.
- E) Upon termination, the WILInet User shall be responsible for payment of any costs, expenses, or disbursements incurred by WCCLS to remove or otherwise mask WILInet User's data from WILInet.

15. INSURANCE

A) All parties to this Agreement shall maintain comprehensive general liability insurance or adequate reserves in a program of self-insurance covering personal injury and property damage for the WILInet Users, their employees and agents. The insurance coverage shall be for a minimum of \$200,000 per person, \$500,000 per occurrence and \$50,000 property damage. For WILInet Users who are not units of local government, certification of insurance shall be provided to WCCLS and all such insurance coverage shall name Washington County, its officers, employees and agents as additional insureds.

B) The County shall maintain insurance adequate to cover the replacement of the central site equipment including but not limited to the central processing unit, uninterruptible power supply and communications equipment. The insurance coverage shall be for a minimum of \$600,000.

C) WILInet Users shall maintain insurance adequate to cover the replacement of the telecommunications equipment owned by WCCLS and housed at WILInet User's site.

16. COMPLIANCE WITH APPLICABLE LAWS

Each party agrees to comply with all local, state, and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

A) Equal Opportunity County Personnel Rules provide that County shall enter into contractual agreements only with Equal Opportunity Employers. Therefore, WILInet Users hereby agree that employees (and applicants for employment) shall not be discriminated against because of race, color, national origin, religion, physical or mental handicap, sex or age, except in the case of bona fide occupational qualifications as defined and provided by applicable federal or state law.

B) Compliance with Applicable Provisions of ORS Chapter 279 WILInet Users which are community libraries further agree that they shall comply fully with all applicable provisions of ORS 279.310 through 279.430. These include: ORS 279.310, ORS 279.312 relating to payment of labor, materialmen, the Industrial Accident Fund and the Department of Revenue and prohibiting any lien or claim to be filed against County on account of labor or material furnished; ORS 279.314 authorizing County to pay said claims on behalf of WILInet User; ORS 279.316 relating to overtime and 279.320 relating to medical care. Said provisions are hereby incorporated by reference and the applicable terms contained therein shall be binding upon WILInet Users that are community libraries in the same manner as if they were fully set forth herein.

17. INDEMNIFICATION

Each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. If the indemnifying party is a unit of local government, such indemnification shall be subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution.

18. DEBT LIMITATION

This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon appropriation of funds.

19. NO BENEFITS

No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

20. NOTICE

Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

21. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

22. CAPTIONS

Captions and headings used in this Agreement are for convenience only and shall not be construed or interpreted so as to enlarge or diminish the rights or obligations of the parties hereto.

23. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement unless the result of the holding is a failure of consideration of any party.

24. AMENDMENT

This Agreement may only be amended in writing signed by all of the parties.

EXHIBIT A - Cost Allocation Formula (updated annually).

FOR THE WILNET USER:

Signature

Title

Date

FOR WASHINGTON COUNTY:

Signature

Title

Date

APPROVED AS TO FORM:

Sr. Assistant County Counsel

Exhibit A: Cost Allocation Formula

Automation Program Benefit Allocation FY 02-03

Expenditures

\$983,472

	Composite Percentage	Total Annual Cost Share
Outreach	0.79	\$7,769
Banks	1.34	\$13,226
Beaverton	25.92	\$254,904
Cedar Mill	13.83	\$136,038
Cornelius	1.58	\$15,554
Forest Grove	6.67	\$65,595
Garden Home	1.43	\$14,060
Hillsboro/Tanasbourne/Books By Rail	25.28	\$248,655
OR College of Art & Craft	0.55	\$5,378
Sherwood	2.58	\$25,336
Tigard	10.55	\$103,708
Tualatin	5.85	\$57,574
Tuality Health Info. Resource Ctr.	0.30	\$2,950
West Slope	3.33	\$32,725
Total	100.00	\$983,472

Note: Shared Operating Cost is Actual
Automation
Expenditures FY 02-03 less
cost recovery items (grant funds, peripherals and
notices/postage).

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Local Contract Review Board – Contract for Self Check Machines for the new Tigard Public Library

PREPARED BY: Margaret Barnes DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Should the Local Contract Review Board authorize the purchase of a lease for two self check machines for the New Library.

STAFF RECOMMENDATION

Authorize City staff to purchase a lease for two 3M self check machines for the New Library.

INFORMATION SUMMARY

The library currently uses the 3M brand of Tattle-Tape (security strips) for books and will continue to do so in the new library. Virtually all of the library's books have these security strips as well as other WCCLS libraries. These tapes are guaranteed to work effectively and efficiently with both the 3M book detection system (security gates) and the 3M SelfCheck System. Given the investment the library has made over the years in this security system, we are requesting a sole source solicitation for two 3M SelfCheck machines as allowed by Administrative Rule AR 20.30 "The efficient use of existing equipment or supplies requires compatible products of a particular manufacturer or seller."

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. Memo from 3M
2. Memo

FISCAL NOTES

Approximately \$31,000 per machine for a 36-month lease.



Fax: 503-598-7515

May 18, 2004

Ms. Linda Parker
Tigard Public Library
13125 SW Hall Blvd
Tigard, OR 97223

Dear Ms. Parker:

3M is the developer and sole manufacturer of the 3MTM SelfCheckTM System.

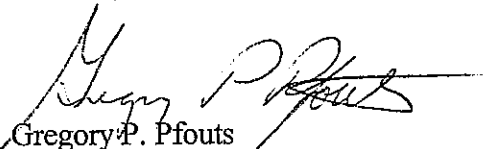
We have patents covering several of the system technologies, including the ability to detect and process material protected by 3MTM Tattle-TapeTM Strips. We are not aware of any manufacturer that sells self-checkout systems operating within the scope of 3M's patents.

Service contracts and warranties are based on the correct usage of 3M Tattle-Tape Security Strips with the 3M SelfCheck System.

Our sales representative for your area is Matt Bellamy and he can be contacted at 800/328-0067.

Thank you for your interest in the 3M SelfCheck Systems. If there are any further questions or problems, please feel free to contact us.

Sincerely,

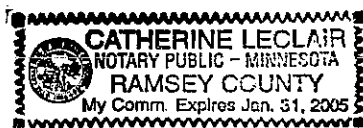

Gregory P. Pfouts
National Sales Manager

rl

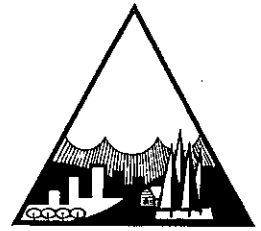

(Notary Public)

My commission expires:

cc: M. Bellamy
M. Keefe



MEMORANDUM



TO: Tigard City Council

FROM: Margaret Barnes, Director of Library Services *M. Barnes*

RE: Sole Source Self Check Out Machine for the New Tigard Library

DATE: June 9, 2004

C: Bill Monahan, City Manager
Joe Barrett, Buyer

The City of Tigard Public Library currently uses the 3M brand of Tattle-Tape Strips (security strips) for library materials because of the proven reliability of the strips to work effectively with the 3M security gate system and the self check system. The security strips are specifically designed for easy placement within books and are available for purchase from nationally recognized vendors who supply library specific items. The library has received confirmation from 3M that in order to assure the effectiveness of the security strips they must be used in conjunction with the 3M SelfCheck System.

The library has heavily invested in 3M security strips over the years – virtually all of the library's books have these security strips. Other WCCLS libraries also use these strips, 3M security gates and 3M Shelf Check Units. A separate server is set up with WCCLS automation to manage the 3M Shelf Checks. If the Tigard Library were to purchase a Self Check system from a different vendor it would require the library to purchase a new separate server in order for this non-compatible system to operate.

Attached is a letter from 3M explaining that they are "unaware of any manufacturer that sells self-checkout systems operating within the scope of 3M patents." Based on this information it is our recommendation to proceed with the sole source purchase of a 36-month lease agreement for two 3M SelfCheck units. Each lease is approximately \$31,000 for the life of the lease. One unit would be installed immediately and the other unit in the next three months.

AGENDA ITEM # 4
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Action on Water Contract

PREPARED BY: Dennis Koellermeier DEPT HEAD OK

DHK CITY MGR OK EAM for WRM

ISSUE BEFORE THE COUNCIL

Report back to Council on request for Portland to extend existing water sales agreement for two years; take further action, if necessary

STAFF RECOMMENDATION

Implement Council's position on contract.

INFORMATION SUMMARY

The current water sales contract with the City of Portland is due to expire June 30, 2007. The contract calls for notice of the intent of either party to terminate three years prior to that date. Should the City elect to give notice, this notice is due June 30, 2004. On June 8, 2004, the City Council directed staff to request a two year extension to the existing contract. Portland's answer to this request will be reported to the City Council.

OTHER ALTERNATIVES CONSIDERED

Terminate contract; request an extension to the contract; allow existing contract to renew automatically.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Obtain a long term source of water.

ATTACHMENT LIST

1. Letter to Portland Water Bureau from Dennis Koellermeier dated June 10, 2004.

FISCAL NOTES

Tigard currently purchases approximately \$2.2 million of water annually.

COPY



CITY OF TIGARD
OREGON

June 10, 2004

Mort Anoushiravani, Director
Portland Water Bureau
1120 SW Fifth Avenue, Room 601
Portland, OR 97204

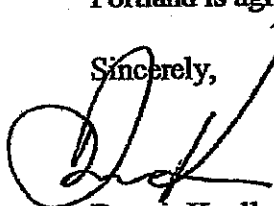
Re: Water Sales Agreement

Dear Mort,

The City of Tigard, as successor in interest to the Tigard Water District as to the water supply contract between the City of Portland and the Tigard Water District effective July 1, 1982, requests that the original term of the contract be extended for two years. The original term is currently scheduled to end on June 30, 2007, and the extension of the original term would be through June 30, 2009.

We would appreciate your answer by June 21, 2004, so that our Council can be made aware of your position on this matter and so that we can formalize the extension if Portland is agreeable.

Sincerely,



Dennis Koellermeier
Acting Public Works Director

DK:tw

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on the New Library Schedule

PREPARED BY: Margaret Barnes DEPT HEAD OK MB CITY MGR OK hmr

ISSUE BEFORE THE COUNCIL

The purpose of this presentation is to provide City Council an update on the New Library Master Schedule.

STAFF RECOMMENDATION

This is an informational item.

INFORMATION SUMMARY

At this time staff will update the Council on the overall completion schedule for the new library. This will include information regarding the closure of the existing library. The Grand Opening date for the New Tigard Public Library will also be identified. At this meeting staff is prepared to answer questions.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #2: A wide array of opportunities for life-long learning are available in a variety of formats and used by the community.

ATTACHMENT LIST

Set of PowerPoint Slides.

FISCAL NOTES

Not yet determined.

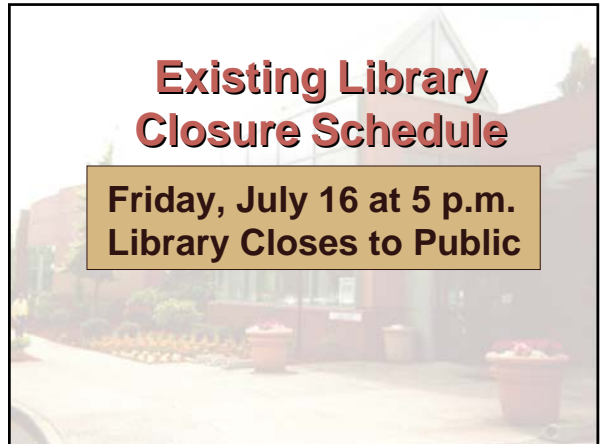
New Tigard Library Schedule Update

June 22, 2004



Existing Library Closure Schedule

Friday, July 16 at 5 p.m.
Library Closes to Public



While the Library's Closed:

While we are closed, the Tigard Library will not be able to accept any returned library materials. During this closure time, materials can be returned to any Washington County Library.

Check here to get the latest info...

- City Website (www.ci.tigard.or.us)
- WILI net (online catalog)
- Cityscape
- Tigard Times

Grand Opening!!!



Saturday, August 21
10 a.m.

*The community is
invited to come
and check out
their new library!*



AGENDA ITEM # 6
FOR AGENDA OF _____

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE St. Vincent dePaul Affordable Housing Fee Assistance Application

PREPARED BY: William A. Monahan WAM DEPT HEAD OK WAM CITY MGR OK WAM

ISSUE BEFORE THE COUNCIL

Should the City Council grant funds to St. Vincent dePaul from the city Affordable Housing Fee Assistance Program?

STAFF RECOMMENDATION

Staff recommends that the City Council review the application submitted by St. Vincent dePaul to determine if the request qualifies under the guidelines established by the city for the Affordable Housing Fee Assistance Program. If a determination is made that the application fits within the guidelines, Council then should determine if a grant should be provided in Fiscal Year 2003-04 and/or 2004/05. If Council determines that the applicant does not qualify for funding under the program, Council can reject the application. Council could also review the program guidelines and possibly modify them to allow the applicant to qualify under new guidelines. Then, the applicant could resubmit.

INFORMATION SUMMARY

On March 20, 2003, Fr. Leslie Sieg of St. Anthony's Church submitted a request for consideration of a grant prepared by the St. Vincent dePaul Society – St. Anthony Church Conference. The request is for assistance to offset the cost of building and planning related fees associated with a new food storage and distribution center to be built on church property. The funds were requested from the City of Tigard's Affordable Housing Fee Assistance Program which was established by the City to help fund "affordable housing acquisition, development and rehabilitation" performed by either a for profit or not for profit entity.

Upon receipt of the application, staff inquired of the applicant to obtain additional information. In addition, staff reviewed the program guidelines. The guidelines show that the program is intended to be made available to those businesses or agencies which provide affordable housing units. The application as submitted is related to a food storage and distribution center which serves the lower income community, some of whom are residents of affordable housing living units. No housing units are being acquired, developed or rehabilitated by the applicant. Therefore, under the guidelines established by the City Council, it appears that the application does not meet the guidelines.

Council may, if it wishes, undertake a review of the guidelines and make modifications to allow applications such as that submitted by St. Vincent DePaul to qualify for funding. Then, the applicant could resubmit under different guidelines. In addition, it should be noted that in 2003 the Council granted the application of Washington County for a full \$10,000 after determining that the intent of the program was met although Guideline #4 was not fully met

by the applicant. There, only six of the subject units to be rehabilitated qualified because of the tenant's income. Council has discretion to determine how best to apply the guidelines in evaluating particular fee reimbursement requests.

Since the application was first filed, further information has been provided by the applicant showing that the original proposal for funding has been reduced from \$9,609 to \$9,322. The amount requested is based on a total of \$24,322 unbudgeted project costs and fees and a grant from Washington County's Community Development Block Grant Program of \$15,000. The Block Grant funds were awarded in 2002. The sum of \$9,322 is the difference between the total unbudgeted costs (\$24,322) and the Block Grant funds (\$15,000).

Since 2002, Tigard has set aside \$10,000 annually for the Fee Assistance Program. The fee assistance program was established in furtherance of the City Council's adopted Affordable Housing Program, a 2002 action intended to emphasize and encourage affordable housing in the Tigard community. On July 22, 2003, the City Council granted the Washington County Department of Housing up to \$10,000 from the Program in "fee reimbursement" for improvements to be made at Bonita Villa, a housing complex purchased by the County and intended to provide affordable housing units. In May, 2004, the County was sent a check for \$6,566.06 as an initial payment toward the grant award. The payment was based upon work completed to date by the County. As a result of the expenditure, the Fiscal Year 2003-04 budget now has \$3,433.94 which has not been designated. The proposed budget for Fiscal Year 2004-05 (on the June 8 Council agenda for adoption) would make \$10,000 available as of July 1, 2004 for the program. Washington County is eligible to apply for submit documentation to receive \$3,433.96 of this funding based upon the grant made by City Council on July 22, 2003, which is available to the County until July 21, 2005.

Because of the prior award to Washington County, should the City Council find that the applicant is qualified to receive a grant under the program, the maximum funding available prior to the new budget year is \$3,433.94. Should the City Council grant the complete amount requested, the remainder will need to come from the Fiscal Year 2004-05 budget. Should the award be made, the funds available to future applicants under the program in the coming year is \$678 (based on Washington County and the applicant requesting and receiving their full allocations). If no grant is awarded in the present budget year, only \$6,566.06 of funding is available in the coming budget year (if Council earmarks some of the funding to meet the commitment made to the County). Funds allocated in a budget year are not carried over from year to year.

Representatives of the applicant will be present at the City Council meeting to support the application. Materials related to the proposal and the Fee Assistance Program are attached.

OTHER ALTERNATIVES CONSIDERED

Staff has suggested that City Council review the application considering alternatives which include rejecting the application and modifying program requirements to allow the applicant to reapply. Council could also make an interpretation that allows it to interpret the guidelines to allow the application to be funded.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #3 calls for the City to encourage and support "private sector programs to maintain diverse and affordable housing".

ATTACHMENT LIST

- 1) April 7, 2004 memorandum to City Council from Bill Monahan which includes the following:
 - a) March 20, 2004 memo from Fr. Leslie Sieg
 - b) Letter from Gil Lopez, President, St. Vincent dePaul Society with a tax exempt letter from the IRS and annual report
 - c) Notice of Available Funding for the Program
 - d) Fiscal Year 2003-04 Assistance Request form
 - e) Affordable Housing fee Assistance Guidelines
 - f) Land Use Proposal Description for the storage building
 - g) Project proposal for CDBG funding, submitted in 2002
 - h) March 31, 2004 letter to Fr. Leslie Sieg
 - i) April 5, 2004 letter to Fr. Leslie Sieg
- 2) May 1, 2004 letter from Fr. Leslie Sieg
- 3) May 5, 2004 letter to Fr. Leslie Sieg
- 4) May 14, 2004 letter from Fr. Leslie Sieg with a revised budget
- 5) Excerpt from minutes of the July 22, 2003 City Council meeting where Washington County's application was approved a
- 6) Staff report from the July 22, 2003 City Council meeting with Washington County's application

FISCAL NOTES

If funded, \$9,322 in fee assistance could be allocated from the Fiscal Year 2003-04 and 2004-05 budgets. Consideration must be given to the funding already allocated to Washington County. Any funds not used in a fiscal year return to the General Fund, they are not carried over to the next budget year. In Fiscal Year 2002-03, \$7,000 was returned to the General Fund. Unless allocated, \$3,433.94 of the fee assistance funds set aside in the Fiscal Year 2003-04 budget will be returned to the General Fund.

MEMORANDUM

Administration



TO: Honorable Mayor and City Council

FROM: Bill Monahan, City Manager *Bill*

DATE: April 7, 2004

SUBJECT: Potential Affordable Housing

The St. Vincent de Paul Society/St. Anthony Church Conference has requested that the City grant \$9,609 from Tigard's Affordable Housing Fee Assistance Program. As was discussed during the Council's March 16 Workshop meeting (when the potential application was first mentioned) the Society does not qualify under the present funding guidelines.

Since the March 16 discussion, a written request was submitted. Staff has reviewed the proposal and compared it to the guidelines. In addition, since the Society has received Community Development Block Grant (CDBG) funding, staff compared the proposal to the CDBG application filed in October 2002. Based upon the review, a letter was sent to Father Leslie Sieg of St. Anthony's requesting clarification.

Following are the issues identified to this point and the status of their review:

1. The Proposal – the proposal for funding is for \$9,609 to offset City building, planning and systems development charge fees. Details are found in the attached letter from Gil Lopez, transmitted on March 20 by Father Leslie Sieg.
2. The Program Guidelines – The Affordable Housing Fee Assistance Program was established to offer fee assistance for low income housing development and rehabilitation. As the attached information taken from the City web page indicates, the program was designed to assist those who are involved in "affordable housing acquisition, development and rehabilitation" in Tigard. The maximum funding available is \$500.00 per "qualified unit." Under the existing guidelines, St. Vincent de Paul does not qualify, because it is not proposing to acquire, develop or rehabilitate housing to be offered as affordable housing.
3. Status of the St. Vincent de Paul Project – The St. Vincent de Paul Society, a non-profit, plans to construct a food storage and distribution center, to assist the poor and needy of the Tigard community. A 1,000 square foot building will be built on St. Anthony's property. A pre-application conference was held on January 8, 2004. The Hearings Officer is scheduled to conduct a land use hearing on the proposal on May 10. The land use application is for a conditional use permit and four adjustments. A copy of the Land Use Proposal Description is attached.

4. Funding for the Project – As mentioned above, CDBG funds have been awarded for the project, in the amount of \$120,600. The attached project proposal shows that the total cost of the project is \$170,100, with \$49,500 contributed from other resources. Within the project description, found on page 4 in item 10c, the applicant indicated that CDBG funds were sought to pay for contractual construction services and building permits and fees. The Budget Summary on page 10, and explanatory notes on page 11, seems to confirm that the CDBG funding requested was intended to cover fees and permits.

On March 31 I wrote to Father Sieg acknowledging receipt of the grant proposal, and then on April 5 I wrote requesting clarification since it appears that City fees have already been paid for by a CDBG grant. Copies of the two letters are attached.

Once additional information is received from Father Sieg, Council will be asked to determine how it wants to proceed. The existing Affordable Housing Fee Assistance Guidelines preclude funding the request. If Council wishes to change the guidelines, it can, however, the focus of the assistance program will also change. Council could consider the grant request outside of the Affordable Housing Fee Assistance Program; however, the logical place to do that is through the Social Service Grant Program which is part of our budget process. Applications were submitted and have undergone preliminary review. Council could decide to make an exception, however, that may not be fair to all agencies.

Council could also treat the request outside of any established grant program. To do so, however, the question of whether the CDBG funds received already cover the fees needs to be addressed.

I N T E R

O F F I C E

MEMO

To: Bill Monahan
From: Rev. Leslie M. Sieg
Subject: St. Vincent dePaul Application
Date: March 20, 2004

RECEIVED C.O.T.

MAR 25 2004

Administration

Bill,

Sydney Sherwood asked that I send this request along to you for presentation to the city council when there is the opportunity.

If you need further information or would suggest any changes to the letter of request, please do not hesitate to contact me at 503-639-4179.

Thank you very much for your assistance.

Fr. Leslie Sieg
Pastor - St. Anthony Church

Mayor Craig Dirksen
Tigard City Council
13125 SW Hall Blvd.
Tigard, Oregon 97223

Dear Mayor Dirksen and Counselors,

I am writing to request your consideration of a grant to the St. Vincent dePaul Society - St. Anthony Church Conference to assist in the construction of a new food storage and distribution center that will also serve as the local headquarters of the organization. The society would ask that you consider applying funds budgeted for Affordable Housing Fee Assistance.

The St. Vincent dePaul Society is a not-for-profit organization that is dedicated to assisting the poor and needy of the Tigard community. The society is operated entirely by volunteers from the community. There are no paid personnel. The society is presently operating out of a portable construction building. A week's supply of emergency food is supplied to nearly 2,500 needy families each year. These families are screened and referred by the Neighborshare office. The society provides direct rental assistance in the range of \$12,000 each year. Assistance is also provided for heating bills and other utilities as well as emergency housing. The society generally contributes about \$6,000 per year to the Good Neighbor Center. These various forms of food and cash assistance enable many families to remain in their homes during financial crises. Without this service many more families in our community would be rendered homeless.

The society was granted a Community Development Block Grant in the amount of \$120,600 by Washington County for the purpose of constructing this facility. Numerous individuals are contributing professional and other construction services. St. Anthony church is contributing the property for the site of this building. A successful application for a grant from the city of Tigard to offset city fees would complete the funding needed for this project.

It is the society's goal to fully fund this project without needing to divert any client assistance funds that have been contributed to St. Vincent dePaul by community donors. Without this relief, funds would need to be diverted.

Thus, the society would like to request a grant in the amount of \$ 9, 609.00. This grant would offset the following fees.


1. Pre-Application Conference	\$287.00
2. Conditional Use Hearing	4,491.00
3. Water systems dev. fee	2,041.00
4. Plumbing permit	323.00
5. Mechanical Permit	98.00
6. Electrical Permit	340.00
7. Building Permit	1,235.00
8. Plans check	655.00
9. TIF	<u>139.00</u>
Total	9,609.00

St. Vincent dePaul Society Request
Page Two

Please find attached to this request a copy of the conference annual report that was provided as part of the application to Washington County and a copy of the society's tax exempt status letter from the Internal Revenue Service.

Thank you very much for your consideration of this request. Your positive support will assure that the hungry and homeless of our community will continue to receive immediate and caring service for their needs.

Sincerely,

A handwritten signature in cursive script that reads "Gil Lopez". The signature is written in dark ink and is positioned below the word "Sincerely,".

Gil Lopez
President
St. Vincent dePaul Society
Tigard Conference

Internal Revenue Service
District Director

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: NOV 23 1998

Person to Contact:

Linda A. Hill

Telephone Number:

877-829-5500

Fax Number:

513-684-5936

Federal Identification Number:

93-0456525

St. Vincent de Paul Society of
Portland Oregon
3601 S. E. 27th Avenue
Portland, OR 97202-3003

Dear Sir or Madam:

This is in response to your request for a letter affirming your organization's exempt status.

In August 1937, we issued a determination letter that recognized your organization as exempt from federal income tax under section 101(6) of the Internal Revenue Code of 1939 (now section 501(c)(3) of the Internal Revenue Code). Your organization is classified as a publicly supported organization, and not a private foundation, because it is described in sections 509(a)(1) and 170(b)(1)(A)(i) of the Code. Donors may deduct contributions to your organization as provided in section 170 of the Code. That letter is still in effect.

As of January 1, 1984, your organization is liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remunerations of \$100 or more paid to each of its employees during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

If your organization is a church or a qualified church-controlled organization as defined in section 3121(w)(3) of the Code, it may elect to exclude the wages paid to its employees (other than for services performed in an unrelated trade or business) for social security taxes. This election must be made by filing Form 8274 by the day before the date the organization's first quarterly employment tax return would be due under the revised law. If your organization makes this election, its employees who earn \$100 or more during a calendar year become liable for the payment of self-employment tax (under section 1402 of the Code) on the wages the organization pays them.

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other Federal excise taxes.

St. Vincent de Paul Society of Portland Oregon
93-0456525

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

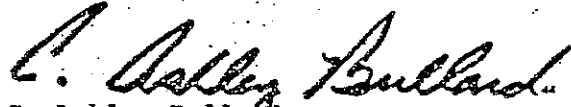
Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return.

As this letter could help resolve any questions about your organization's exempt and foundation status, you should keep it with the organization's permanent records.

If you have any questions, you may contact us at the address or telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,



C. Ashley Bullard
District Director

ANNUAL REPORT
TIGARD CONFERENCE ST VINCENT DE PAUL
OCTOBER 1, 2000 TO SEPTEMBER 30, 2001

BALANCE 10/1/00	7,406.181
RECEIPTS	36,082.51
DISBURSEMENTS	
CLIENT AID HOUSING, MEDICAL, TRANSPORTATION, UTILITIES, NEIGHBORSHARE	(22,075.25)
NATIONAL DUES	(125.00)
OPERATION EXPENSES POSTAGE, UTILITIES AND SUPPLIES	(1,977.93)
EQUIPMENT AND REPAIRS	(354.91)
AID TO NEEDY ST VINCENT DE PAUL CONFERENCES ST.FRANCES DINING HALL, OUTREACH AND MONTANA CONFERENCE .	(2,500.00)
AID TO OVERSEAS DISASTERS EL SALVADORE AND INDIA.	(3,000.00)
GOOD NEIGHBOR CENTER TIGARD HOMELESS SHELTER	(9,040.00)
NEW YORK DISASTER	(1,000.00)
BALANCE 9/30/01	3,413.66

Tigard Affordable Housing Fee Assistance Program

Notice of Available Funding

The City of Tigard now offers fee assistance for low-income housing development and rehabilitation. Those organizations interested in applying for available Housing Fee Subsidy funds can obtain an application packet and list of program guidelines by contacting Duane Roberts at 503-718-2444 or via email at duane@ci.tigard.or.us. The packet also is available on-line at www.ci.tigard.or.us.

In October 2002 the Tigard City Council established guidelines for a new, on-going budget set-aside designed to reduce City fees and charges imposed on affordable housing acquisition, development, and rehabilitation within the community. The assistance program is open to public agencies, nonprofit organizations, and for-profit entities providing affordable housing opportunities.

The next opportunity to apply for fee assistance funds is June 25, 2003. Applicants will be asked to present their projects to the Tigard City Council the evening of July 22, 2003.

City of Tigard, Oregon
13125 SW Hall Blvd.
Tigard, Oregon 97223
503-639-4171

FY 2003-04

AFFORDABLE HOUSING FEES AND CHARGES ASSISTANCE REQUEST

Organization Name:

Address:

City, State, Zip:

Contact Name:

Telephone Number:

Email address:

Address/location of the project site:

[Note: only projects located within the Tigard City limits are eligible for funding assistance]:

1. Briefly describe your organization and the type(s) of affordable housing opportunities you provide or are seeking to provide.

2. Describe the activity for which you are requesting fee relief.

3. Describe the fees and charges (including overall dollars per unit) that you are seeking City funds to offset.

4. Describe the status of all necessary land use, zoning, and building plan approvals.

5. Indicate whether the project will require the relocation of any household or business.

6. Request (express in whole dollar amounts only): [Note: the City budget amount available for all projects combined during FY 03-04 is \$10,000.]

Dollars amount per unit \$

Number of units

Total request \$

7. Briefly describe how your project addresses each of the guidelines adopted by the Tigard City Council for considering fee assistance requests. Omit guidelines 7 & 9. [Use and insert additional page(s) if needed.]

8. Describe when you anticipate being able to use the requested funds.

9. Certification

I hereby certify, by signature below, that the information contained in this application is true and correct to the best of my knowledge.

Date:

Signature:

Typed Name and Title:

*Note: Submit one original of the completed application. The application deadline is **5:00 pm, June 25, 2003**, at Tigard City Hall. Applications transmitted by fax or email will not be accepted. Mail or deliver to:*

*City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223*

Should you have any questions about how to complete the application form, contact Duane Roberts; 503-639-4171; duane@ci.tigard.or.us.

Affordable Housing Fee Assistance Guidelines

1. Both for- and not-for-profit entities are eligible to apply for affordable housing fee assistance funds.
2. Eligible activities include affordable housing acquisition, development, and rehabilitation. Affordable housing acquisition and development will receive greater consideration than rehabilitation.
3. The proposed project must be consistent with City housing policies and applicable planning and zoning standards.
4. Only units targeted to households earning at or below 50% of median income are eligible for City funds. Units targeted to households earning 60% of median income are eligible when the project includes an equal number of units serving households at or below 50% of median.
5. The organization guarantees that the housing produced or rehabilitated will maintain long-term affordability, with long-term defined as the longer of 25 years, or, if applicable, the life of any State or Federal loan used to finance the project.
6. The organization guarantees that the project will be enrolled in the City Enhanced Safety Program (ESP) and maintain ESP certification for the respective (a.) period of long-term affordability defined in guideline #5, or (b.) the life of the ESP program.
7. Council review and approval of each separate award will be required. This review will include an in-person presentation to Council by a representative of the organization making the request.
8. The time limit on the use of the funds is two years.
9. Applications for assistance will be accepted twice per year. Applications shall be submitted on forms provided by the City of Tigard.
10. The maximum amount available is \$500 per qualified unit, up to the current Social Services and Events Fund affordable housing set-aside line item balance.

"FOR COUNCIL NEWSLETTER"

(Sent on 3/29/2004)

LAND USE PROPOSAL DESCRIPTION**120 DAYS = 7/15/2004**

FILE NOS.: **CONDITIONAL USE PERMIT (CUP) 2004-00002**
DEVELOPMENT ADJUSTMENT (VAR) 2004-00014
DEVELOPMENT ADJUSTMENT (VAR) 2004-00015
DEVELOPMENT ADJUSTMENT (VAR) 2004-00016
DEVELOPMENT ADJUSTMENT (VAR) 2004-00017

FILE TITLE: **ST. ANTHONY'S PARISH STORAGE BUILDING
FOR ST.VINCENT DE PAUL SOCIETY**

APPLICANT: St. Anthony's Parish
Attn: Leslie M. Selig
9905 SW McKenzie Street
Tigard, OR 97223

OWNER: Roman Catholic Archbishop of
Portland in Oregon
2838 E. Burnside
Portland, OR 97214

**APPLICANT'S
REP.:** Robert Klas, Architect
13283 SW Scottsbridge Drive
Tigard, OR 97223

REQUEST: The applicant is requesting Conditional Use approval to construct a 1,000 square foot, single-story storage building on a half-acre lot that is currently being used for parking. The applicant is also seeking approval of four (4) Adjustments to reduce the rear yard setback from 15 to 12 feet, to reduce the minimum landscaping requirement from 20% to 15%, to reduce the buffer width between the proposed use and adjacent uses, and to adjust the right-of-way requirements on SW McKenzie Street.

LOCATION: 12630 SW Grant Avenue; WCTM 2S102BD, Tax Lot 800.

ZONE: R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.

**APPLICABLE
REVIEW
CRITERIA:** Community Development Code Chapters 18.330, 18.370, 18.390, 18.510, 18.705, 18.725, 18.745, 18.755, 18.765, 18.780, 18.790, 18.795 and 18.810.

CIT AREA: Central

DECISION MAKING BODY BELOW:	<input type="checkbox"/> TYPE I	<input type="checkbox"/> TYPE II	<input checked="" type="checkbox"/> TYPE III	<input type="checkbox"/> TYPE IV
------------------------------------	---------------------------------	----------------------------------	----------------------------------------------	----------------------------------

DATE COMMENTS WERE SENT: MARCH 30, 2004 **DATE COMMENTS ARE DUE:** APRIL 13, 2004

☒ HEARINGS OFFICER (MON.) **DATE OF HEARING:** MAY 10, 2004 **TIME:** 7:00 PM

☐ PLANNING COMMISSION (MON.) **DATE OF HEARING:** _____ **TIME:** 7:00 PM

☐ CITY COUNCIL (TUES.) **DATE OF HEARING:** _____ **TIME:** 7:30 PM

☐ STAFF DECISION (TENTATIVE) **DATE OF DECISION:** _____

COMPONENTS RELATED TO THE PROJECT AVAILABLE FOR VIEWING IN THE PLANNING DIVISION		
<input checked="" type="checkbox"/> VICINITY MAP	<input checked="" type="checkbox"/> UTILITY PLANS	<input checked="" type="checkbox"/> LANDSCAPE PLAN
<input checked="" type="checkbox"/> SITE PLAN	<input type="checkbox"/> TREE PLAN	<input checked="" type="checkbox"/> IMPACT STUDY
<input checked="" type="checkbox"/> NARRATIVE		<input type="checkbox"/> STORM H2O ANALYSIS

STAFF CONTACT: Brad Kilby, Associate Planner (503) 639-4171, extension 2434

OCT 01 2002



WASHINGTON COUNTY

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROJECT PROPOSAL

PUBLIC FACILITY

(Instructions Attached. Submit original and 1 copy)

1. **PROJECT TITLE:** St Vincent de Paul Food Storage and Distribution Building

2. **PROJECT SPONSOR:**
Name: St Vincent de Paul-Tigard Conference

Mailing Address: 9905 SW McKenzie
Tigard OR 97223

Contact Person: John E Cook

Phone # 5035793122 **Ext**

Fax # 5035794752

E-mail: cooky@easystreet.com

Signature: John E Cook

Title: Vice President

FOR STAFF USE ONLY

Project No. 20
Date Rcvd. 10-1-02
Time: 9:44 am
Eligible: Yes ☒ No ☐
Revision # ONE (1)
Qualifying CDBG
Regulation 70.201(c)
Primary
Objective Low Income
Qualifying Income
Eligibility 570.201(c)(2)(A)
Other Information INCOME
ELIGIBILITY SCREENED
BY CAO.

3. Is this project a Community Facility? ☒ or
Is this project a Residential Treatment Facility? ☐

4. Short Term CDBG Objective Reference(s):

A.7.m

5. PROJECT BENEFIT:

- A. Census and Block Group Designation: Tract31903 Block 415 Blockgroup 0319034
Project Location: 9905 SW McKenzie
Tigard OR 97223

Note: Attach map, which shows the project site and defines the service area.
Label it "Exhibit A".

- B. Qualification - If project qualifies on the basis of serving a specific low/moderate income geographic service area, respond to questions in (1) below. If project qualifies on the basis of serving a particular population defined as "limited clientele" respond to (2) below. If the project qualifies on the basis of addressing slums and blight, respond to (3) below.

1. Geographic Service Area Not Applicable ☒

- a. Total Number of residents in service area #
b. Total number of residents who are low/moderate income in service area #
c. Percentage of residents who are low/moderate income in service area #
d. Number of residents to be served annually by facility #

2. Limited Clientele Not Applicable ☐

- a. Identify limited clientele group

Low income families including about 5% homeless

- b. Number to be served by facility annually #2400
c. Number of clients who are low/moderate income to be served by facility each year #2400
d. Percentage of clients served by facility who are low/moderate income %100

3. Removal of Slums and Blight

Does this activity remove slums and blight?

☐ Yes ☒ No

- D. Document source(s) of information for 1. and 2. above. Numer of low/moderate income clients provided by signed client Food Vouchers.

6. OTHER INFORMATION

- A. Will project be located in a facility that is accessible to persons with disabilities? ☒ Yes ☐ No

- B. How is project compatible with local plans? Explain and reference.

"Tigard Beyond Tomorrow" 20 year vision adopted 1997. "Community character and quality of life" goal volunteerism "#1 keep current volunteer program healthy and active" Our food bank is operated with 100% volunteers

7. PROJECT PERIOD

Start (mo/yr): July 2003

End (mo/yr): Dec 2003

8. PROJECT COST

Total CDBG dollars requested	\$120600
Total dollar value of other resources	\$49500
TOTAL PROJECT COST	\$170100

9. PROBLEM STATEMENT:

The temporary storage and service space will no longer be available after April 2003 due to expansion of our school facilities. Therefore that makes this request an urgent need. As the organization that provides more than 90% of all emergency food services in the Tigard area, uninterrupted service is critical. Thus the construction of this facility is most urgently needed. The facility will also allow improved sanitary conditions with the addition of a restroom and food washing facilities. Additional refrigeration and freezer space will allow the organization to continue increasing the number of families served as the communities population increases.

10. PROJECT DESCRIPTION:

- A. Describe how the proposed facility and activities/services address the need or alleviate the problem identified in the problem statement. Explain how the target population will access the facility.

This project will allow us to continue to serve our present clientel. It will also allow for some growth to meet future needs. It will provide a restroom and a product washing area not provided in our present facility. Clients can access this facility by car - parking adjacent- or by public transportation . There are two Tri Met bus lines serving the area. One is one block away and the other runs adjacent to the proposed building site.

B. What types of activities/services will take place in the completed facility?

Storage of packaged and canned food and personal hygiene supplies, storage of food items requiring freezing or refrigeration, preparing, assembling and outloading emergency food boxes and record storage.

C. How will CDBG funds be used? Describe tasks and provide time frame for completion of project.

We will construct a wood frame building on a concrete slab. We will use a licensed contractor for construction. Construction is planned for July-December 2003. Some technical and professional services will be donated as well as materials and construction services CDBG funds will be used to pay for contracted construction services and building permits and fees.

D. Will activities/services for different target populations be integrated and coordinated within the facility? Examples are a community-senior center for a senior center with a daycare program. Explain.

Our services are for low income families only. Services for different target populations will not be integrated.

11. COORDINATION/COMPATIBILITY

A. Identify other facilities (public, private, or nonprofit) that address the same need and provide similar activities/services in the area.

The Seventh Day Adventist Church in Tualatin serves a limited number of clients two days a week. Portland Vineyard Church distributes a limited number of food boxes one day a week. St Vincent de Paul provides the balance of food Boxes in the service area five days a week throughout the whole year.

B. Has this proposal been coordinated with other related service providers, both public and private? Please list.

Letters of support from the City of Tigard, Oregon Food Bank , Community Action and State Representative Max Williams are included

12. ENVIRONMENT**A. Historic Preservation**

1. Will the project activity involve the acquisition, rehabilitation or expansion of a building that is 50 years or older? ☐ Yes ☒ No ☐ Unknown
2. If the improvement is a historic site, specify what historic preservation activities will be undertaken.
3. Does this project assist or complement other historic preservation activities taking place in the same area? Explain.

B. Endangered Species

1. Will the project involve the construction of an impervious surface area within 200 feet of a river, stream or other body of water?
☐ Yes ☒ No
2. Will the project involve exterior rehabilitation within 200 feet of a river, stream or other body of water?
☐ Yes ☒ No

C. Lead Based Paint

Will the project involve the acquisition and/or rehabilitation of a dwelling unit built prior to 1978?

☐ Yes ☒ No ☐ Unknown

NOTE: If the answer to any of the questions in the above section "Environment" is Yes or Unknown, it is recommended that you consult with Office of Community Development staff prior to the submittal of the application as there may be impacts on the timing, location, design or costs of your project.

13. PROJECT SPONSOR INFORMATION:

- A. What is the priority of this project in comparison with all other projects you are submitting in this category and in the category of Neighborhood

Revitalization?

This is our number one priority and our only submission.

- B. Have you previously received CDBG funds in this category for a facility in this geographic area or for this special population? ☐ Yes ☒ No. If yes, explain why additional CDBG support is needed at this time.

C. Previous CDBG-funded projects since 1997 (last two 3-year cycles) None ☒

[illegible]

(Note: Attach additional page if necessary)

D. If any answers to (4) or (5) above are no, please explain.

E. Residential/Employment Displacement

Will the project necessitate either Residential or Employment displacement?
☐ Yes ☒ No. If yes, please explain.

F. Operation and Maintenance:

1. Specify who will assume legal responsibility for the continued operation and maintenance of the facility.

Tigard Conference St Vincent de Paul Society will assume legal responsibility.

2. Describe how the operation and maintenance will be provided over the useful life of the facility. Include in your description:

- a. A general statement of financial assets and resources at sponsor's disposal.**

Tigard Conference St Vincent de Paul Society has operated for 43 years and always met its financial obligations. There is no outstanding debt.

- b. A brief description of general administrative as well as budgetary performance of organization, including any problems the agency/locality has encountered over the past two years.**

St Vincent de Paul Society has met all financial obligations and has had no problems over the past two years.

- c. A description of past experiences in operating or administering a similar type of activity.**

The St Vincenent de Paul Society Tigard Conference has operated an emergency food pantry for 43 years. Ten to twelve families are typically served per day five days a week, fifty two weeks a year except for holidays.

- d. Describe staffing arrangements and source of financing for the ongoing operation and maintenance of the project. Indicate whether the expertise is available in-house or must be acquired.**

Administration and staffing is done by volunteers. Operation and maintenance for the facility have been assumed by St Vincent de Paul Tigard Conference for 43 years. That arrangement will continue.

G. Program Income

Specify the anticipated use(s) of program income.

No income is derived from our activity.

14. CITIZEN SUPPORT

Describe the agency's efforts to obtain citizen support.

We have requested material and in kind services from the community. At this time we have a commitment for architectural services, use of land for building site and commitment of some equipment and construction services. We will continue to solicit additional aid.

15. PROJECT MANAGEMENT CAPABILITY

A. Name and title of designated Project Manager

John E Cook, Vice President St Vincent de Paul

B. Past management experience

1. Ability/experience in dealing with appointed and elected officials, contractors, engineers, architects, clients, and citizens; resolving complaints; conducting meetings.

Owned and operated a retail Pharmacy for 25 years in Tigard. Also served on Tigard City Council for 15 years and have knowledge and experience in dealing with elected officials and professionals. Conducted City Council meetings while serving as Mayor of Tigard. Robert R Klas, Architect will advise and assist.

2. Ability/experience in government contract administration; knowledge of federal regulations governing acquisition, procurement, equal employment opportunity, and labor standards.

Was involved with government contracts during my 15 years of service on Tigard City Council and the architect will also assist.

3. Ability/experience in establishing timelines; drafting requests for proposals, bid documents, and contracts; reviewing plans and specifications; negotiating contracts and change orders; approving requests for payment.

Please see items 1 and 2 above

As a principal of a small firm for 25 years I was intimately involved and totally responsible for all of the activities noted above.

16. BUDGET SUMMARY

BUDGET CATEGORIES	Total Project Cost	CDBG Funding	OTHER COMMITTED SOURCES OF FUNDS				
			Federal	State	Local	County	In-Kind -1500 (1)
a) Personnel Services	1500						
b) Office Supplies							
c) Operating Supplies							
d) Communications							
e) Travel & Training							
f) Legal & Public Notices	100	100					
g) Professional Services	13500	3500 (2)					10000
h) Construction Contracts	110000	102000					8000 (3)
i) Capital Outlay							
j) Property Acquisition	30000						30000 (4)
k) Relocation Expenses							
l) Appraisal Fees							
m) Other (Specify)	15000	15000					
n) TOTAL PROJECT	170100	120600					49500

17 BUDGET NARRATIVE

Indicate the total project cost, the portion charged to CDBG funding and the portion committed by other funding sources.

(1) Volunteer time for project manager - 230 hours @\$6.50

(2) For engineering and appraisal costs related to construction

(3) Estimated value of donated or contributed materials and services such as painting, plumbing fixtures etc.

- (4) Appraised value with conservative projected increases over useful life of property.

The basic expenditure is \$95,000 for a 1000 square foot frame building on a concrete slab at \$95. per square foot. \$15,000 is for water, storm sewer and sanitary sewer construction. Professional services include in kind contributions for design, appraisal and project management. The fees and permits are estimates from the City of Tigard Planning office. This includes water and sewer hook-up, traffic impact fees, storm sewer connection, building permits, inspections and other fees.

18. ADDITIONAL INFORMATION

Non-profit agencies and cities applying for CDBG funding must document endorsement of each application for funding by formal action of their Board of Directors or City Councils, as appropriate. County applications must bear the signature of the appropriate department head.

Minutes of the July 22, 2002 meeting of Tigard Conference St Vincent de Paul are included



March 31, 2004

Fr. Leslie Sieg, Pastor
St. Anthony Church
9905 SW McKenzie
Tigard, OR 97223

Re: St. Vincent de Paul Grant Request

Dear Father Leslie,

I received your letter of March 20, 2004, transmitting the St. Vincent de Paul request for a grant from Tigard's Affordable Housing. Presently I am assembling information on our grant program eligibility criteria and your CDBG grant.

Once I have the data collected, I will provide the Council with a memo that outlines options for consideration. A quick review of the eligibility criteria indicates that the City grant program is available only to providers of affordable housing units. Council created the program and can, if it wishes, consider modifications to the criteria.

Thank you for submitting the letter of request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill", is written over a faint, larger signature that appears to read "William A. Monahan".

William A. Monahan
City Manager

i:\admbill\letters\2004\fr leslie sieg 033104.doc

April 5, 2004



Reverend Leslie Sieg
St. Anthony's Church
9905 SW McKenzie Street
Tigard, OR 97223

Re: St. Vincent de Paul Society grant application

Dear Father Leslie,

In my earlier letter to you I mentioned that I am assembling data to review prior to submitting the grant request to the Tigard City Council. One item that I am reviewing is the October 2002 application for Community Development Block Grant (CDBG) program funding submitted by St. Vincent de Paul for a food storage and distribution building. I have questions in regards to that application.

The application, which was funded with a grant of \$120,600.00, appears to already cover the cost of fees and permits.

Within the grant application, Item 10 Project Description on Page 4, Section C indicates that CDBG funds will be used to pay for contracting construction services and building permits and fees. The Budget Summary, Section 16 on Page 10, seems to confirm that the CDBG funding was intended to cover the fees.

Would you please review this matter and determine if the grant would in fact offset fees, if the fees have already been covered by the grant?

I await your response. Once I receive it, I will assemble a memo to the City Council so that they may consider your request.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Monahan", is written over a horizontal line.

William A. Monahan
City Manager

C: Tigard City Council

\\adm\bill\letters\2004\fr leslie sieg 040504.doc

✠ St. Anthony Catholic Church ✠

9905 S.W. McKenzie Street
Tigard, Oregon 97223-5198

May 1, 2004

RECEIVED C.O.T.

MAY 04 2004

Administration

William Monahan
City Manager
13125 SW Hall Blvd
Tigard, OR 97223

Dear Bill,

My apologies for such a tardy response to your letter of April 5 concerning the St. Vincent dePaul grant application. I was awaiting John Cook's return from vacation to reply since he had much of the data needed to provide you with a more complete proposal.

Subsequently, we realized that additional conditions that might be required during the conditional use permit process would also affect the over all budget. Since that hearing is planned for May 10th, I will further delay my response until immediately after that hearing.

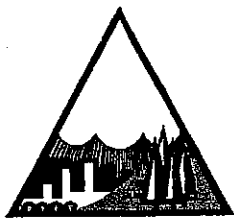
I hope that this will still allow you the time to review the material and present the request to council before the end of the fiscal year.

Thanks again for your kind assistance.

Sincerely,



Leslie M. Sieg
Pastor



AGENDA

HEARINGS OFFICER

MONDAY – MAY 10, 2004 - 7:00 PM

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Hearings Officer meetings by noon on the Friday prior to the meeting. Please call 503-639-4171, Ext. 2438 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf). Upon request, the City will also endeavor to arrange for qualified sign language interpreters for persons with speech or hearing impairments and qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. To request such services, please notify the City of Tigard of your need(s) by 5:00 p.m., no less than one (1) week prior to the meeting date at the same phone numbers listed above so that we can make the appropriate arrangements.

**Hearings are held in Town Hall at the City of Tigard at 13125 SW Hall Boulevard
Staff reports are available to the public 7 days prior to the hearing date**

1. CALL TO ORDER

2. PUBLIC HEARING

**2.1 ST. ANTHONY'S PARISH STORAGE FACILITY FOR ST. VINCENT DE PAUL SOCIETY
CONDITIONAL USE PERMIT (CUP) 2004-00002
DEVELOPMENT ADJUSTMENT (VAR) 2004-00014
DEVELOPMENT ADJUSTMENT (VAR) 2004-00015
DEVELOPMENT ADJUSTMENT (VAR) 2004-00016
DEVELOPMENT ADJUSTMENT (VAR) 2004-00017**

REQUEST: The applicant is requesting Conditional Use approval to construct a 1,000 square foot, single-story storage building on a half-acre lot that is currently being used for parking. The applicant is also seeking approval of four (4) Adjustments to reduce the rear yard setback from 15 to 12 feet, to reduce the minimum landscaping requirement from 20% to 15%, to reduce the buffer width between the proposed use and adjacent uses, and to adjust the right-of-way requirements on SW McKenzie Street.

LOCATION: 12630 SW Grant Avenue; WCTM 2S102BD, Tax Lot 800.

ZONE: R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.330, 18.370, 18.390, 18.510, 18.705, 18.725, 18.745, 18.755, 18.765, 18.780, 18.790, 18.795 and 18.810.

3. OTHER BUSINESS

4. ADJOURNMENT

ENCLOSURE



May 5, 2004

Father Leslie M. Sieg, Pastor
St. Anthony Catholic Church
9905 SW McKenzie Street
Tigard, OR 97223-5198

Re: Grant application

Dear Father Leslie,

Thank you for your letter of May 1, 2004. I recognize that you will be submitting additional information to support a grant application after your conditional use hearing of May 10. Within your letter you noted that you hope to submit a grant application for Council consideration before the end of the fiscal year. Please note that in order for the City Council to review an application, the deadline for submission for all materials for the June 8 Council meeting is May 25, 2004 while the June 22 meeting deadline is June 8, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Monahan", is written over a horizontal line.

William A. Monahan
City Manager

C: Tigard City Council
Craig Prosser

i:\admbill\letters\2004\fr leslie sieg 050504.doc

✠ St. Anthony Catholic Church ✠

9905 S.W. McKenzie Street
Tigard, Oregon 97223-5198

May 14, 2004

William Monahan
City Manager
13125 SW Hall Blvd
Tigard, OR 97223

RECEIVED C.O.T.
MAY 17 2004
Administration

Dear Bill,

I am writing concerning the application for a grant from Tigard's Affordable Housing fund for the construction of a food storage facility for St. Vincent dePaul. Again, I want to thank you for your patience and assistance in this effort.

I am enclosing a revised breakdown of city fees and other un-anticipated fees that have been added to the cost of this project. Along with the revised fee budget, I am also enclosing requests to Washington County for budget revisions (Numbers 1 and 2). Additional revisions will be submitted when cost projections are firm.

As you can see from these revisions, funds available for construction have been significantly reduced. With these additional facts at hand, I would like to reduce the original grant request. The new amount requested is \$9,322.00.

Thank you again for your assistance and the willingness of our city council to consider these needs.

Sincerely,



Rev. Leslie M. Sieg
Pastor

Enclosures: Revised Budget
Request for Budget Revision # 1 & # 2

Revised Budget for St. Vincent dePaul Storage Facility

Fees Anticipated following Conditional Use Hearing

Minor Modification Application	435
Pre Application Conference	287
Neighborhood meeting	118
Water systems development	2,366
Sanitary Sewer Connection	2,435
Parks Fee	262
Building Permit	1,235
Conditional Use Permit	4,491
Setback Adjustment	450
Plans Check	656
Plumbing Permit	323
Mechanical Permit	98
Electrical Permit	340
Fee in lieu of under grounding	6,781
addressing Fee	50
Unmitigated Impacts fee	695
Total	\$21,022

At the time of application for the grant from CBDG, the applicant did not budget for the cost of a survey which has been required. The survey has added \$1,800 to the project cost. The applicant also did not budget for a traffic count which the city had indicated that it would perform. This added another \$700 to the cost for the project. The services of structural and civil engineers were not budgeted. These costs are projected at \$800

Additional Cost requirements 3,300

Total unbudgeted costs and fees 24,322

Amount covered by CDBG Grant <15,000>

Outstanding amount needed to complete project \$9,322

Project Number: 5220
 Year Funded: 2003
 Budget Revision Number: 1

REQUEST FOR BUDGET REVISION

Name of Project: Food Storage & Distribution ^{Blas} Name of Entity: St. Vincent de Paul - Tigard
 Address: 9905 S.W. McKenzie St. City: Tigard State: Or Zip: 97223

A. Budget Category	B. Approved Budget	C. Revised Budget	D. Increase/(Decrease)
Construction Contracts	108,500 -	103,700 -	(1800)
Professional Services (Surveyor)	—	1800 -	+1800 -

E. Explanation of Request:

F. Authorization

11-13-03
 Date

11-13-03
 Date

John E. Cork
 Authorized Signature

Heaven V. Mathis
 Authorized Signature

COUNTY USE ONLY

G. Reviewed and approved (disapproved) by Washington County Community Development
 Block Grant Program on 11/19/03 (date).

Signature: Doreen A. Scheer

Title: Program Manager

Project Number: 5220

Year Funded: 2003

Budget Revision Number: 2

REQUEST FOR BUDGET REVISION

Name of Project: Food Storage & Distribution ^{Bldg.} Name of Entity: St. Vincent de Paul - Tigard
 Address: 9905 S. W. McKenzie St. City: Tigard State: Or Zip: 97223

A. Budget Category	B. Approved Budget	C. Revised Budget	D. Increase/(Decrease)
Professional Services	1,800.-	5,200 -	+3400 -
Office Supplies	—	500 -	+ 500.-
Construction Contracts	103,700.-	99,800 -	- 3,900 -

E. Explanation of Request:

City requiring Civil Engineer - Traffic Engineer -
 Structural Engineering + Computer Drafting

F. Authorization

Date

3-2/04

Date

3/2/04

Authorized Signature

Authorized Signature

COUNTY USE ONLY

G. Reviewed and approved (disapproved) by Washington County Community Development
 Block Grant Program on 3/9/04 (date).

Signature:

Title:

Daggy McLean
Program Manager

7. CONSIDER AFFORDABLE HOUSING FEE ASSISTANCE REQUEST

Associate Planner Roberts presented the staff report and Henry Alvarez, representing Washington County, reviewed the improvements made to Bonita Villa. The project meets City guidelines with respect to eligible activities, zoning, time limits, and Enhanced Safety participation. It does not meet guidelines with respect to the dollar amount requested. The guidelines were set to allow Council flexibility in its application to specific projects. The staff report outlined the reasons why staff recommended that Council approve the request.

Councilor Sherwood, who sits on the Washington County Housing Advisory Board, advised she would abstain from voting on this request.

Motion by Councilor Wilson, seconded by Councilor Dirksen, to approve the request from Washington County Housing Services for fee assistance and authorize up to \$10,000 in fee reimbursement, with the actual amount to be determined based on the eventual fees and charges assessed.

The motion was approved by a majority vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Abstained
Councilor Wilson	-	Yes

8. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 – PORTIONS OF SW MURDOCK STREET, 100TH AVENUE)

- a. Mayor Griffith opened the public hearing.
- b. Project Engineer Greg Berry presented the staff report, which is on file with the City Recorder.

There was discussion among City Engineer Gus Duenas and Council members about the Reimbursement District Program. On August 12, District Nos. 28 and 29 will be reviewed with regard to status of bids received and information about how to prioritize funding and construction of District Nos. 27, 28, and 29. None of these districts have been formed. In addition there was discussion about some amendments to the program suggested by City Engineer Duenas at the July 15, 2003, workshop. The Council will consider amending the Sewer Reimbursement District Program at a later date.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Affordable Housing Fee Assistance Request

PREPARED BY: Duane Roberts DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should Council award budgeted housing fee assistance funds to an applicant seeking assistance? The applicant is seeking \$10,000 in City assistance. Under City guidelines, the project qualifies for only \$3,000 in assistance.

STAFF RECOMMENDATION

Although the application does not meet one of the program guidelines established by Council, staff recommends Council use its discretion to grant the requested amount.

INFORMATION SUMMARY

In September 2002, Council adopted the Affordable Housing Program, intended to emphasize and encourage affordable housing in the Tigard community. The program includes a range of land use and non-land use affordable housing promotion tools and strategies. One of the non-land use tools was a new budget set-aside designed to reduce fees and charges imposed on affordable housing acquisition, development, and rehabilitation. A copy of the adopted guidelines that define the requirements and conditions for the award of the subsidy funds to housing providers is attached (Attachment 1).

FY 03-04 is the second year of the subsidy program's operation. In FY 02-03, the Council awarded \$4,000 to Community Partners for Affordable Housing to offset building permit fees imposed on proposed repairs to the Greenburg Oaks Apartments (formerly, Villa La Paz). One application was received during the current round of the FY 03-04 funding period. According to program guidelines, applications are accepted twice per year. This application is a request by the Washington County Department of Housing Services for \$10,000 to offset fees and charges imposed and anticipated on the rehabilitation of the 96-unit Bonita Villa (formerly, Tiffany Court) Apartments.

The housing service's subsidy request relates to its efforts to upgrade Bonita Villa and operate it as safe and well maintained affordable housing. The agency's rehabilitation budget is \$1,291,850. According to the City Building Official, given this budget amount and the range of needed repairs, the agency's combined building, electrical, plumbing, and mechanical City-imposed permit fees will far exceed the the amount of the agency's fee assistance request.

The project meets City guidelines with respect to eligible activities, zoning, time limits, and Enhanced Safety Program participation. However, it does not meet guidelines with respect to the dollar amount requested. Guideline #4 of Attachment 1 states that "Only units targeted to households earning at or below 50% of median income are eligible for City funds. Units targeted to households earning 60% of median income are eligible when the project includes an equal number of units serving households at or below 50% of median".

In the case of the present application, only three units are targeted and guaranteed to remain at the 50% level, with nine units targeted and guaranteed to remain at the 60% level. As such, under City guidelines, the project is eligible for a maximum subsidy of \$3,000 (6 eligible units x \$500 per unit), as opposed to the \$10,000 amount requested.

In considering the Washington County Housing Services request, it is important to recognize that the program guidelines were adopted by Council as a set of general guides to allow Council flexibility in their application to specific projects. The guidelines generally define the requirements and conditions for entities wishing to apply for the set-aside funds, but also provide Council wide discretion with how they should best be applied in evaluating particular fee reimbursement requests.

In the case of the present application, staff supports waiving the 50% of median guideline and granting the full \$10,000 request. The reasons are that:

- 1.) The generally high cost of Bonita Villa's rehabilitation and the lack of County General Fund support for its operations clearly make it financially difficult for housing services to provide rent levels at the 50% and below level. At the same time, a mix of higher and lower rent levels could be a feasible strategy for including more 50% units, with the higher rent levels offsetting the lower. However, questioning the housing authority's rent structure strategy would appear to be beyond the scope of the City fee subsidy program.
- 2.) The County take-over of the Bonita Villa benefits the City in terms of the complex's greatly improved housing quality and liveability as City housing stock.
- 3.) Another aspect of the Housing Services request concerns the authority's application for a HOME Loan to partially finance the needed improvements. In addition to providing some fee relief for the agency, award of City fee subsidy would improve the chances of the agency's loan application being selected for funding by demonstrating somewhat greater local commitment and financial support.

As indicated in guideline #7 of Attachment 1, an in-person presentation to City Council is required as part of the application process. The date set for the presentation is the July 22, 2003, Council meeting. A Housing Services representative, Henry Alvarez, will be available at the meeting to overview the authority's request and to answer any questions Council may have.

OTHER ALTERNATIVES CONSIDERED

Award fewer or no dollars.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #3 calls for the City to encourage and support "private sector programs to maintain diverse and affordable housing."

ATTACHMENT LIST

- Attachment #1. Affordable Housing Fee Assistance Guidelines
Attachment #2: Affordable Housing Fees and Charges Assistance Request

FISCAL NOTES

A total of \$10,000 in fee assistance is requested. The available line item balance within the Community Events and Social Services Fund is \$10,000. Any funds not using during the fiscal year will return to the General Fund budget. Last year, some \$7,000 were returned to the General Fund.

Affordable Housing Fee Assistance Guidelines

1. Both for- and not-for-profit entities are eligible to apply for affordable housing fee assistance funds.
2. Eligible activities include affordable housing acquisition, development, and rehabilitation. Affordable housing acquisition and development will receive greater consideration than rehabilitation.
3. The proposed project must be consistent with City housing policies and applicable planning and zoning standards.
4. Only units targeted to households earning at or below 50% of median income are eligible for City funds. Units targeted to households earning 60% of median income are eligible when the project includes an equal number of units serving households at or below 50% of median.
5. The organization guarantees that the housing produced or rehabilitated will maintain long-term affordability, with long-term defined as the longer of 25 years, or, if applicable, the life of any State or Federal loan used to finance the project.
6. The organization guarantees that the project will be enrolled in the City Enhanced Safety Program (ESP) and maintain ESP certification for the respective (a.) period of long-term affordability defined in guideline #5, or (b.) the life of the ESP program.
7. Council review and approval of each separate award will be required. This review will include an in-person presentation to Council by a representative of the organization making the request.
8. The time limit on the use of the funds is two years.
9. Applications for assistance will be accepted twice per year. Applications shall be submitted on forms provided by the City of Tigard.
10. The maximum amount available is \$500 per qualified unit, up to the current Social Services and Events Fund affordable housing set-aside line item balance.

City of Tigard, Oregon
13125 SW Hall Blvd.
Tigard, Oregon 97223
503-639-4171

FY 2003-04

AFFORDABLE HOUSING FEES AND CHARGES ASSISTANCE REQUEST

Organization Name: Washington County Department of Housing Services/
Housing Authority of Washington County

Address: 111 NE Lincoln Street, Suite 200-L

City, State, Zip: Hillsboro, Oregon 97124

Contact Name: Susan A. Wilson

Telephone Number: 503-846-4794/503-846-4755

Email address: susan_wilson@co.washington.or.us

Address/location of the project site:

[Note: only projects located within the Tigard City limits are eligible for funding assistance]:

The Department of Housing Services is a full service housing agency that also serves as the Housing Authority of Washington County. The department serves over 10,000 persons in Washington County through a variety of programs that include bond financed Affordable Housing, Public Housing, First Time

1. Briefly describe your organization and the type(s) of affordable housing opportunities you provide or are seeking to provide.

(continued from above)

Home Buyer Program & special needs housing. Section 8 tenant based Housing Vouchers, Modernization Rehabilitation, Shelter Plus Care Vouchers, and Continuum of Care Grant and the HOME Program.

The Department currently owns, manages and operates 828 units. Additionally, we serve as general partner in private sector developments of 376 units. The Department also supports the non-profit community with the development of 221 affordable housing units, as well as, annual operating subsidies.

2. Describe the activity for which you are requesting fee relief.

One of the Department's most challenging acquisitions has been Bonita Villa Apartments, which is located in the city of Tigard. This property has required an extraordinary effort and financial resources to rehabilitate. The Department is requesting fee relief in the amount of \$10,000.

3. Describe the fees and charges (including overall dollars per unit) that you are seeking City funds to offset.

The Department is requesting City funds to offset fees and charges on the rehabilitation of the generally poor condition 96-unit Bonita Villa complex, purchased by the Department in 2002. As indicated in the attached budget sheet, the Department estimates the total cost of the repairs at \$1,291,850 or \$13,456 per unit. This includes a range of building, plumbing, electrical, mechanical repairs to the units.

4. Describe the status of all necessary land use, zoning, and building plan approvals.

No land use or zoning approvals are needed to perform the needed repairs. This is because the work involves upgrading existing buildings. Some of the needed building and related permits have been obtained. Others will be applied for as funds for the repairs become available.

5. Indicate whether the project will require the relocation of any household or business.

Rehabilitation activities will not require the relocation of any households.

6. Request (express in whole dollar amounts only): [Note: the City budget amount available for all projects combined during FY 03-04 is \$10,000.]

Dollar amount per unit	\$ 500
Number of units	96
Total request	\$ 10,00

7. Briefly describe how your project addresses each of the guidelines adopted by the Tigard City Council for considering fee assistance requests. Omit guidelines 7 & 9. [Use and insert additional page(s) if needed.]

The Department of Housing Services/Housing Authority of Washington County is a government agency focused on acquiring, building or rehabilitating properties to maintain long-term affordability for low-income residents of Washington County. The Department is seeking to use the requested funds for rehabilitation efforts at an existing property, Bonita Villa Apartments, in Tigard. This property has 96 units dedicated to households earning 60% or below median income. Of these, 9 will be committed to remain at 60% or below and 3 at 50% or below. Most households in residence at Bonita Villa are at or below 60% of area median income.

(response continued at end of the next page)

8. Describe when you anticipate being able to use the requested funds.

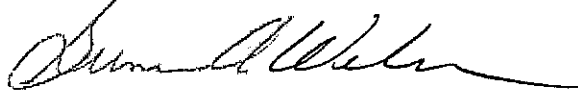
The Department will be able to use the funds immediately once received.

9. Certification

I hereby certify, by signature below, that the information contained in this application is true and correct to the best of my knowledge.

Date: June 16, 2003

Signature:



Typed Name and Title: Susan A. Wilson, Director

Note: Submit one original of the completed application. The application deadline is 5:00 pm, June 25, 2003, at Tigard City Hall. Applications transmitted by fax or email will not be accepted. Mail or deliver to:

*City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223*

Should you have any questions about how to complete the application form, contact Duane Roberts; 503-639-4171; duane@ci.tigard.or.us.

Question 7 (cont.):

The Department will have a representative presenting the project to the Tigard City Council on Wednesday, July 25, 2003. In anticipation of the Council allocating funds to this project, the Department will expend allocated funds within the two-year timeframe, keeping the cost per unit below the maximum \$500 limit. As well, the Department will maintain ESP certification as outlined in guideline #6.

AGENDA ITEM # 7
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION OF THE CITY OF TIGARD ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2003-04, MAKING APPROPRIATIONS AND CREATING A STREET MAINTENANCE FEE FUND

PREPARED BY: Tom Imdieke DEPT HEAD OK cl CITY MGR OK lms

ISSUE BEFORE THE COUNCIL

Oregon Budget Law requires that a Supplemental Budget be adopted by the governing body when certain conditions require a change in appropriations and when a new fund is created during the fiscal year.

STAFF RECOMMENDATION

Staff recommends adoption of the FY 2003-04 Supplemental Budget and creation of the Street Maintenance Fee Fund.

INFORMATION SUMMARY

Certain conditions have changed that require additional appropriations in FY 2003-04; including the need to establish a new fund. These changes require the adoption of a supplemental budget by the City Council. The changes include the following:

1. A Street Maintenance Fee Fund needs to be created to track the revenues and expenditures for the Street Maintenance Fee that the City Council approved through Ordinance No. 03-10 on November 18, 2003. The City began billing for the fee in April 2004. In addition, there were certain costs associated with the implementation of the billing on the City's bi-monthly utility bill. The Street Maintenance Fee Fund now needs to reimburse the Central Services Fund for those costs. Costs incurred were for additional software programming and billing stock printing. Those costs were charged to the Financial Operations Division budget in the Central Services Fund and initially paid for by a transfer from the Central Services Fund Contingency. This Supplemental Budget will reimburse the Central Services Fund for these up front costs.
2. Because of favorable weather and construction conditions, the completion of the new library is ahead of schedule. The FY 2003-04 Adopted Budget was developed based upon a more extended construction period. Given the shortened schedule, additional appropriations are needed for the project in order to make payments to contractors and vendors as work is completed. This does not increase the overall cost of the budget.

3. The Capital Improvement Program (CIP) in the Sanitary Sewer Fund includes the City's Neighborhood Sewer Extension Program. Under the program, the City installs public sewers to each lot within a reimbursement district that is formed and the owners reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. Because of expanded activity and the additional work that was required on certain projects under the program, additional appropriations are needed to meet the expected expenditure levels.
4. The CIP in the Underground Utility Fund includes two major projects; Gaarde Street Phase 2 and Walnut Street (135th to 121st Ave). The Walnut Street project was not anticipated in the FY 2003-04 Budget. Under the Major Street Transportation Improvement Program (MSTIP), Washington County accelerated the schedule on this project which required the City to begin work on this project during the current fiscal year.
5. When the Dartmouth Avenue Local Improvement District (LID) was finalized and the properties assessed in 1998, two of the property owners protested the amounts assessed to their properties. In September 2003, the Court ruled in favor of the City of Tigard regarding the final assessments. After the ruling, the property owners requested Bancroft financing by signing installment agreements to pay their assessments over time. The City then issued a Bancroft bond in December 2003 to retire the bond anticipation note, which had been outstanding since the Dartmouth LID was finalized, and to finance the assessments for the property owners. The property owners will make semi-annual payments in April and October of each year until the assessment has been paid off. The City's first interest payment on the Bancroft bond was due in May 2004. This Bancroft bond was not included in the FY 2003-04 Budget as the City could not predict when or if the lawsuit would be settled, if the Court would rule in favor of the City, and whether or not the property owners would request Bancroft financing or pay off the assessments in lump sum.
6. In addition to the assessment payments for Dartmouth, the City has also received unanticipated early pay-offs on other assessments. These early pay-offs will allow the City to call the 1993-B Refunding bond early. By calling this bond now, the City will save over \$10,000 in future interest payments.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution, with Exhibit A, adopting the Supplemental Budget.

FISCAL NOTES

Total increase in appropriations of \$719,700 in the Street Maintenance Fee Fund, Sanitary Sewer Fund, Facility Fund, Central Services Fund, Bancroft Debt Service Fund, and Underground Utility Fund.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION OF THE CITY OF TIGARD ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2003-04, MAKING APPROPRIATIONS AND CREATING A STREET MAINTENANCE FEE FUND

WHEREAS, a Street Maintenance Fee was established by the Tigard City Council on November 18, 2003 and a separate fund needs to be established to track the revenues and expenditures for this dedicated fee; and

WHEREAS, the newly created Street Maintenance Fee Fund needs to reimburse the Central Services Fund for the initial setup costs for the billing of the Street Maintenance Fee; and

WHEREAS, projected expenditures for certain capital projects in the Facility Fund, Sanitary Sewer Fund, and Underground Utility Fund will exceed current appropriations; and

WHEREAS, the City issued a Bancroft bond in December 2003 for the Dartmouth LID and the first interest payment was due May 2004 and was not included in the FY 2003-04 Adopted Budget; and

WHEREAS, the City has received unanticipated early payoffs on other assessments which will allow the City to call the 1993-B Refunding bond early and save the City over \$10,000 in future interest payments; and

WHEREAS, Oregon Budget Law requires the adoption of a supplemental budget when certain conditions require a change in appropriations and when a new fund is created during the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council adopts the supplemental budget for FY 2003-04, per attached Exhibit A.

SECTION 2: The Street Maintenance Fee Fund is established to account for the revenues and expenditures of the Street Maintenance Fee.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

FY 2003-04
Supplemental Budget
Schedule of Appropriations
Exhibit A

FY 2003-04 Current Budget	Supplemental Budget Amount	FY 2003-04 Revised Budget
---------------------------------	----------------------------------	---------------------------------

Street Maintenance Fee Fund

Resources

Beginning Fund Balance	\$0	\$0	\$0
Street Maintenance Fee	0	200,000	200,000
Total Resources	<u>\$0</u>	<u>\$200,000</u>	<u>\$200,000</u>

Requirements

Program Expenditures Total	\$0	\$0	\$0
Transfers to Other Funds	\$0	\$5,000	\$5,000
Total Requirements	<u>\$0</u>	<u>\$5,000</u>	<u>\$5,000</u>
Ending Fund Balance	\$0	\$195,000	\$195,000
Total Requirements	<u>\$0</u>	<u>\$200,000</u>	<u>\$200,000</u>

The Street Maintenance Fee Fund is being created to track the revenues and expenditures for the Street Maintenance Fee that was approved through Ordinance No. 03-10 by the City Council on November 18, 2003. For single and multi-family units, the fee is \$2.18 per unit per month. Non-residential customers pay \$0.78 per parking space. Gasoline stations pay \$0.78 per fueling pump station.

This fee provides a stable source of revenue designated for use in the maintenance of existing streets. This includes applying new street surfaces such as slurry seals, pavement overlays, and repairing deteriorating streets. The City began billing for the fee in April, 2004.

FY 2003-04
Supplemental Budget
Schedule of Appropriations
Exhibit A

FY 2003-04 Current Budget	Supplemental Budget Amount	FY 2003-04 Revised Budget
---------------------------------	----------------------------------	---------------------------------

Central Services Fund

Resources

Beginning Fund Balance	\$523,050	\$0	\$523,050
Interest Earnings	10,461	0	10,461
Transfers In from Other Funds	4,458,623	5,000	4,463,623
Total Resources	\$4,992,134	\$5,000	\$4,997,134

Requirements

Policy & Administration Program	3,609,741		3,609,741
General Government	394,920		394,920
Program Expenditures Total	\$4,004,661	\$0	\$4,004,661
Transfers to Other Funds	\$73,614		\$73,614
Contingency	\$257,334		\$257,334
Total Requirements	\$4,335,609	\$0	\$4,335,609
Ending Fund Balance	\$656,525	\$5,000	\$661,525
Total Requirements	\$4,992,134	\$5,000	\$4,997,134

The City Council approved a Central Services Fund Contingency transfer in the amount of \$5,000 for the implementation of the Street Maintenance Fee billing in March, 2004. The intent was that the Central Services Fund would be reimbursed for this cost once the Street Maintenance Fee Fund was established and the City began billing for the fee. This transfer reimburses the Central Services for the billing setup costs.

FY 2003-04
Supplemental Budget
Schedule of Appropriations
Exhibit A

FY 2003-04 Current Budget	Supplemental Budget Amount	FY 2003-04 Revised Budget
---------------------------------	----------------------------------	---------------------------------

Sanitary Sewer Fund

Resources

Beginning Fund Balance	\$8,388,092		\$8,388,092
Interagency Revenues	15,000		15,000
Utility Fees and Charges	1,530,310	214,700	1,745,010
Interest Earnings	167,762		167,762
Other Revenues	(5,000)		(5,000)
Total Resources	\$10,096,164	\$214,700	\$10,310,864

Requirements

Public Works Program	\$627,883		\$627,883
Program Expenditures Total	627,883	0	627,883
Capital Improvements	\$1,136,300	\$214,700	\$1,351,000
Transfers to Other Funds	290,353		290,353
Contingency	68,000		68,000
Total	\$2,122,536	\$214,700	\$2,337,236
Ending Fund Balance	7,973,628	0	7,973,628
Total Requirements	\$10,096,164	\$214,700	\$10,310,864

The Capital Improvement Program (CIP) in the Sanitary Sewer Fund includes the City's Neighborhood Sewer Extension Program. Under the program, the City installs public sewers to each lot within a reimbursement district that is formed and the owners reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer.

Because of expanded activity and the additional work that was required on certain projects under the program, additional appropriations are needed to meet the expected expenditure levels.

FY 2003-04
Supplemental Budget
Schedule of Appropriations
Exhibit A

FY 2003-04 Current Budget	Supplemental Budget Amount	FY 2003-04 Revised Budget
---------------------------------	----------------------------------	---------------------------------

Facility Fund

Resources

Beginning Fund Balance	\$11,703,778	\$350,000	\$12,053,778
Interest Earnings	234,076		234,076
Transfers In from Other Funds	775,485		775,485
Total Resources	<u>\$12,713,339</u>	<u>\$350,000</u>	<u>\$13,063,339</u>

Requirements

Capital Improvements	\$7,387,380	\$1,540,000	\$8,927,380
Transfers to Other Funds	568,000		568,000
Contingency	1,190,000	(1,190,000)	0
Total	<u>\$9,145,380</u>	<u>\$350,000</u>	<u>\$9,495,380</u>
Ending Fund Balance	3,567,959		3,567,959
Total Requirements	<u>\$12,713,339</u>	<u>\$350,000</u>	<u>\$13,063,339</u>

Because of favorable weather and construction conditions, the completion of the new library is ahead of schedule. The FY 2003-04 Adopted Budget was developed based upon a more extended construction period. Given the shortened schedule, additional appropriations are needed for the project in order to make payments to contractors and vendors as work is completed.

FY 2003-04
Supplemental Budget
Schedule of Appropriations
Exhibit A

FY 2003-04 Current Budget	Supplemental Budget Amount	FY 2003-04 Revised Budget
---------------------------------	----------------------------------	---------------------------------

Bancroft Debt Service Fund

Resources			
Beginning Fund Balance	\$1,012,697		\$1,012,697
Interest Earnings	177,973	24,175	202,148
Bancroft Collections	2,518,017	125,825	2,643,842
Total Resources	<u>\$3,708,687</u>	<u>\$150,000</u>	<u>\$3,858,687</u>
Requirements			
Debt Service	\$3,052,820	\$150,000	\$3,202,820
Total	<u>\$3,052,820</u>	<u>\$150,000</u>	<u>\$3,202,820</u>
Ending Fund Balance	655,867	0	655,867
Total Requirements	<u>\$3,708,687</u>	<u>\$150,000</u>	<u>\$3,858,687</u>

When the Dartmouth Avenue Local Improvement District (LID) was finalized and the properties assessed in 1998, two of the property owners protested the amounts assessed to their properties. In September 2003, the Court ruled in favor of the City of Tigard regarding the final assessments. After the ruling, the property owners requested Bancroft financing by signing installment agreements to pay their assessments over time. The City then issued a Bancroft bond in December 2003 to retire the bond anticipation note, which had been outstanding since the Dartmouth LID was finalized, and to finance the assessments for the property owners.

The property owners will make semi-annual payments in April and October of each year until the assessment has been paid off. The City's first interest payment on the Bancroft bond is due in May 2004. This Bancroft bond was not included in the FY 2003-04 Budget as the City could not predict when or if the lawsuit would be settled, if the Court would rule in favor of the City, and whether or not the property owners would request Bancroft financing or pay off the assessments in lump sum.

In addition to the assessment payments for Dartmouth, the City has also received unanticipated early pay-offs on other assessments. These early pay-offs will allow the City to call the 1993-B Refunding bond early. By calling this bond now, the City will save over \$10,000 in future interest payments.

**FY 2003-04
Supplemental Budget
Schedule of Appropriations
Exhibit A**

FY 2003-04 Current Budget	Supplemental Budget Amount	FY 2003-04 Revised Budget
------------------------------------------	-------------------------------------------	------------------------------------------

Underground Utility Fund

Resources

Beginning Fund Balance	\$387,954		\$387,954
Utility Fees and Charges	47,530		47,530
Interest Earnings	7,759		7,759
Total Resources	<u>\$443,243</u>	<u>\$0</u>	<u>\$443,243</u>

Requirements

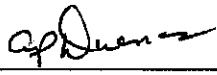
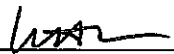
Capital Improvements	\$105,000	\$10,000	\$115,000
Contingency	15,000	(10,000)	5,000
Total	<u>\$120,000</u>	<u>\$0</u>	<u>\$120,000</u>
Ending Fund Balance	323,243		323,243
Total Requirements	<u>\$443,243</u>	<u>\$0</u>	<u>\$443,243</u>

The Capital Improvement Program (CIP) includes two major projects; Gaarde Street Phase 2 and Walnut Street (135th to 121st Ave). The Walnut Street project was not anticipated in the FY 2003-04 Budget. Under the Major Street Transportation Improvement Program (MSTIP), Washington County accelerated the schedule on this project which required the City to begin work on this project during the current fiscal year.

AGENDA ITEM # 8
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 27 (SW Murdock Street, 100th Avenue)

PREPARED BY: G. Berry ^{gib} DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval of the attached Resolution forming the Reimbursement District.

INFORMATION SUMMARY

On August 26, 2003, City Council considered the formation of this district. After reviewing the budget for the Neighborhood Sewer Extension Program for FY 2003-04, City Council directed staff to resubmit the request for formation such that construction would be funded in FY 2004-05.

The proposed project would provide sewer service to seventy-four lots within the area bounded by SW 96th and 103rd Avenues and SW Murdock and Sattler Streets. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,435 (\$2,535 effective July 1, 2004) before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Proposed Resolution
Exhibit A, City Engineer's Report
Exhibit B, Map
Vicinity Map
Communication Plan
Notice to Owners
Mailing List
Resolutions No. 01 – 46, 03-55

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

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CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 (SW MURDOCK STREET; 98TH, 100TH AV.; DARMEL, MARILYN CT.)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 27", attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 27, Murdock Street, 100th Avenue."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 27
(SW Murdock Street; 98th, 100th Av.; Darmel, Marilyn Ct.)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,435.00 (\$2,535 effective July 1, 2004) and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the proposed district will require four extensions from existing sewers as shown on Exhibit Map B:

- West from SW Murdock St. and 98th Av.
- North and west from SW Darmel Ct. and 96th Av.
- North from SW Lady Marion Dr. and 100th Av.
- North from SW Sattler St. and 98th Av.

The proposed project would provide sewer service to seventy-four lots as shown on Exhibit Map B.

Three areas within the area of the proposed district are not recommended to be included in the district. The first area is the six lots that front to Peppertree Lane, a private street. Public sewers could be installed in the private street by relying on a public utility easement in the street. However, this is a recent subdivision and there is limited owner interest in connecting to the proposed sewer. A public sewer in SW 100th Avenue would be extended to the private street that could provide service to these lots by a future project. A second area is two adjacent vacant lots that front to the south side of SW Murdock Street west of SW 98th Avenue. Most of the area of these lots is too low to be served by the proposed sewer. Easements and additional public sewers may be required to develop the lots. Finally, the tree farm east of SW 103rd Avenue is not proposed to be included in the district. Development of this lot will require construction of additional public streets improved with sewers.

Cost

The estimated cost for the sanitary sewer construction is \$797,525. Engineering and inspection fees amount to \$107,666 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$905,191. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,435 (\$2,535 effective July 1, 2004) connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-3.5 but vary in lot size from 13,600 to 79,700 square feet as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided among the seventy-four properties proportional to the square footage of each property. Four of the lots have driveways that do not contribute to the buildable area of the lot. The areas of these driveways was deducted from the total lot areas to arrive at adjusted lot areas used to assign a proportional share as shown on Exhibit Map B. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.64 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution 03-55 (attached).

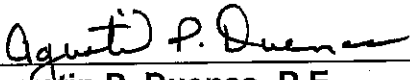
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 8, 2004



Agustin P. Duenas, P.E.
City Engineer

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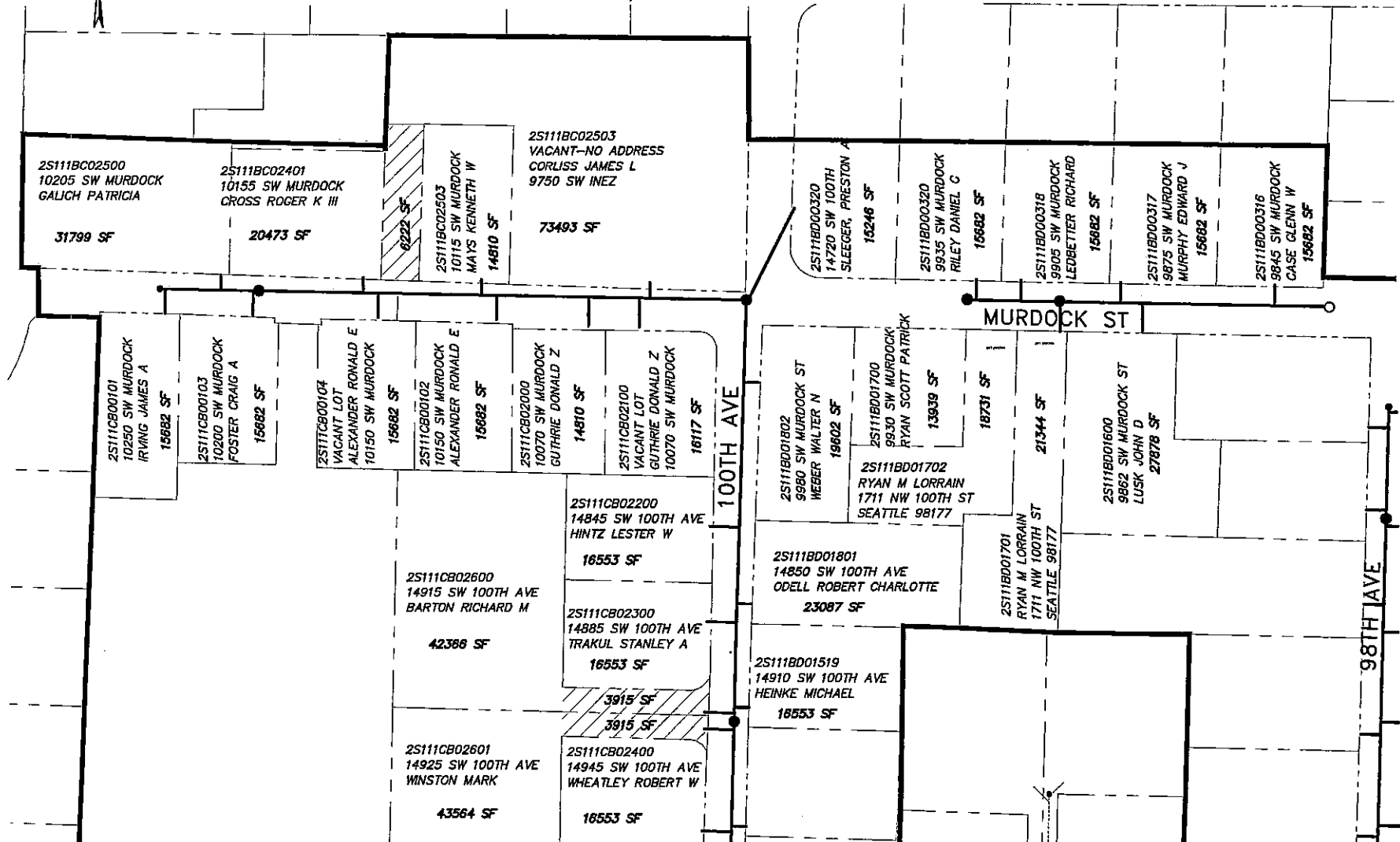
100TH & MURDOCK
Reimbursement District No. 27
Estimated Cost to Property Owners

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY
1	ALEXANDER RONALD E	10150 SW MURDOCK ST	2S111CB00104	15500.10755	\$9,933	\$6,000	\$3,933
2	ALEXANDER RONALD E	10150 SW MURDOCK	2S111CB00102	15500.04694	\$9,933	\$6,000	\$3,933
3	AMODEO RICHARD D AND WANDA M	9765 SW SATTTLER ST	2S111CA13900	14543.14692	\$9,319	\$6,000	\$3,319
4	ASBRA ANDREW J	9845 SW SATTTLER ST	2S111CA14600	15427.38679	\$9,886	\$6,000	\$3,886
5	BARTON RICHARD M & DIANE M	14915 SW 100TH AVE	2S111CB02600	46337.92074	\$29,694	\$20,694	\$9,000
6	BENJAMIN WARD A/KIMBERLY A	14860 SW 98TH AVE	2S111BD00501	14444.68919	\$9,256	\$6,000	\$3,256
7	BODEA GHERASIM &	15100 SW 98TH AVE	2S111CA14000	14201.35966	\$9,100	\$6,000	\$3,100
8	BREITENSTEIN ROBERT W &	14945 SW 98TH AVE	2S111BD01503	19163.73271	\$12,280	\$6,000	\$6,280
9	CASE GLENN W & MARGARET A	9845 SW MURDOCK ST	2S111BD00316	15778.77437	\$10,111	\$6,000	\$4,111
10	CERBU MIRCEA	15105 SW 98TH AVE	2S111CA14400	16059.82138	\$10,291	\$6,000	\$4,291
11	COLLINS KELLY &	9670 SW DARMEL CT	2S111CA13400	13664.35272	\$8,766	\$6,000	\$2,766
12	COMEGYS DONALD L IDA J	15060 SW 100TH	2S111CA15000	15429.17185	\$9,887	\$6,000	\$3,887
13	CORLISS JAMES L/CORA K	9750 SW INEZ	2S111BC02503	79736.16162	\$51,095	\$42,095	\$9,000
14	CORRIGAN PATRICK H & KAREN A	14785 SW 98TH AVE	2S111BD01603	20821.80108	\$13,343	\$6,000	\$7,343
15	CROSS ROGER K III & CLARE E	10155 SW MURDOCK ST	2S111BC02401	20414.75698	\$13,082	\$6,000	\$7,082
16	CURTISS GORDON P &	9725 SW SATTTLER ST	2S111CA13800	14499.93598	\$9,292	\$6,000	\$3,292
17	DAVISON STEPHEN ANN	15040 SW 100TH	2S111CA15100	15447.61997	\$9,899	\$6,000	\$3,899
18	ESTRADA JOSE L & OLIVIA J	15060 SW 98TH	2S111CA14100	14444.85884	\$9,256	\$6,000	\$3,256
19	EVEN MARC ROBERT &	9900 SW SATTTLER ST	2S111CA00800	27610.38485	\$17,693	\$8,693	\$9,000
20	FOSTER CRAIG A & CAREN L	10200 SW MURDOCK ST	2S111CB00103	15504.75194	\$9,936	\$6,000	\$3,936
21	FURLOTT ELIZABETH L/RODNEY C	9685 SW SATTTLER ST	2S111CA13700	13919.91657	\$8,920	\$6,000	\$2,920
22	GALICH PATRICIA &	10205 SW MURDOCK ST	2S111BC02500	31975.04443	\$20,490	\$11,490	\$9,000
23	GARNER DANIEL T AND	15065 SW 98TH AVE	2S111CA14300	18841.0227	\$12,073	\$6,000	\$6,073
24	GOLDEN CAROL JEAN &	15020 SW 98TH	2S111BD00507	14444.88115	\$9,256	\$6,000	\$3,256
25	GUTHRIE DONALD Z & SUSAN C	10070 SW MURDOCK ST	2S111CB02000	14999.9609	\$9,612	\$6,000	\$3,612
26	GUTHRIE DONALD Z & SUSAN C	10070 SW MURDOCK ST	2S111CB02100	16333.55831	\$10,467	\$6,000	\$4,467
27	HEINKE MICHAEL & CATHRYN	14910 SW 100TH AVE	2S111BD01519	16437.77581	\$10,533	\$6,000	\$4,533
28	HINTZ LESTER W	14845 SW 100TH	2S111CB02200	16404.31513	\$10,512	\$6,000	\$4,512
29	IRVING JAMES A & KAREN D	10250 SW MURDOCK ST	2S111CB00101	15581.34997	\$9,985	\$6,000	\$3,985
30	JOHNSON KENNETH AND	9695 DARMEL COURT	2S111BD00601	14507.51077	\$9,297	\$6,000	\$3,297
31	JONES MALCOLM Y AND	9885 SW SATTTLER	2S111CA14700	16125.98842	\$10,334	\$6,000	\$4,334
32	KALLSTROM EVELYN LOUISE	15025 SW 100TH	2S111CB01600	43276.94613	\$27,732	\$18,732	\$9,000
33	KNEZ JOHN S JR & VICKI L	14980 SW 100TH AVE	2S111BD01513	17005.33173	\$10,897	\$6,000	\$4,897
34	LEDBETTER RICHARD E & MARGARET	9905 SW MURDOCK ST	2S111BD00318	15709.65022	\$10,067	\$6,000	\$4,067
35	LEITNER CINDY B	14985 SW 98TH	2S111BD01400	19952.62975	\$12,786	\$6,000	\$6,786
36	LOWERY LESLIE MARTIN & NORA M	14820 SW 98TH AVE	2S111BD00503	14444.82109	\$9,256	\$6,000	\$3,256
37	LUNDSTROM RICHARD & NAILA	9700 SW MARILYN CT	2S111BD00412	14501.11024	\$9,292	\$6,000	\$3,292
38	LUSK JOHN D & GWEN E	9862 SW MURDOCK ST	2S111BD01600	28420.31441	\$18,212	\$9,212	\$9,000
39	MAYS KENNETH W & KARLEEN R	10115 SW MURDOCK ST	2S111BC02501	15028.03145	\$9,630	\$6,000	\$3,630
40	MILLER DAVID L AND	14900 SW 98TH	2S111BD00504	14444.55861	\$9,256	\$6,000	\$3,256
41	MOLATORE STEPHEN R & DEBRA L	9955 SW SATTTLER ST	2S111CA14800	16051.44588	\$10,286	\$6,000	\$4,286
42	MOORE TIMOTHY &	14940 SW 98TH AVE	2S111BD00505	14444.60788	\$9,256	\$6,000	\$3,256
43	MORLAN DENNIS M & ANN T TRS	14865 SW 98TH ST	2S111BD01602	30813.1579	\$19,745	\$10,745	\$9,000
44	MURPHY EDWARD J AND DANA S	9875 SW MURDOCK ST	2S111BD00317	15744.21229	\$10,089	\$6,000	\$4,089
45	NESS DYANN E	14977 SW 100TH AVE	2S111CB02500	17617.30737	\$11,289	\$6,000	\$5,289
46	NICHOLSON SHANE &	14895 SW 96TH AVE	2S111BD00409	14215.65888	\$9,109	\$6,000	\$3,109
47	ODELL ROBERT CHARLOTTE	14850 SW 100TH	2S111BD01801	23007.74376	\$14,744	\$6,000	\$8,744
48	ONNIS DORIS A/ROBERTO	15025 SW 98TH	2S111BD01518	9356.96849	\$5,996	\$5,996	\$0
49	ONNIS DORIS A/ROBERTO	15025 SW 98TH AVE	2S111CA14200	17581.80018	\$11,267	\$6,000	\$5,267
50	PALMER FAMILY TRUST	14980 SW 96TH AVE	2S111BD00700	15200.7139	\$9,741	\$6,000	\$3,741
51	POEHLER EDWARD CARL	14940 SW 96TH AVE	2S111BD00407	15221.30645	\$9,754	\$6,000	\$3,754
52	RICKER DEWEY E JR AND	9670 SW MARILYN COURT	2S111BD00410	13664.86825	\$8,757	\$6,000	\$2,757
53	RILEY DANIEL C	9935 SW MURDOCK ST	2S111BD00319	15675.08814	\$10,045	\$6,000	\$4,045
54	RIVERMAN WILLIAM E INA	14950 SW 100TH	2S111BD01514	17005.61159	\$10,897	\$6,000	\$4,897
55	RODDAN DELLA L	9675 SW MARILYN COURT	2S111BD00406	13683.24705	\$8,768	\$6,000	\$2,768
56	RODGERS KENNETH A AND	14900 SW 98TH	2S111BD00403	15236.75488	\$9,764	\$6,000	\$3,764
57	ROEMHILDT MARION	14980 SW 98TH ST	2S111BD00506	14444.86076	\$9,256	\$6,000	\$3,256
58	ROGERS MICHAEL R & ELIZABETH A	14815 SW 98TH	2S111BD01601	14476.71198	\$9,277	\$6,000	\$3,277
59	ROTHSCHILD KEITH S	14905 SW 98TH AVE	2S111BD01509	20248.58608	\$12,975	\$6,000	\$6,975
60	RYAN M LORRAINE ET AL	1711 NW 100TH ST	2S111BD01702	18880.86049	\$12,099	\$6,000	\$6,099
61	RYAN M LORRAINE ET AL	1711 NW 100TH ST	2S111BD01701	21178.13195	\$13,571	\$6,000	\$7,571
62	RYAN SCOTT PATRICK	1711 NW 100TH ST	2S111BD01700	14036.56718	\$8,995	\$6,000	\$2,995
63	SLAUGHTER JOHN A BEATRICE	15055 SW 100TH AVE	2S111CB01601	45942.90528	\$29,441	\$20,441	\$9,000
64	SLEEGER PRESTON A JR AND	14720 SW 100TH	2S111BD00320	15437.32596	\$9,892	\$6,000	\$3,892
65	SORENSEN JEROME H	9705 SW MARILYN CT	2S111BD00414	14508.01803	\$9,296	\$6,000	\$3,296
66	STARKEY WILLIAM L & BONNIE K	9825 SW SATTTLER ST	2S111CA14500	15494.99907	\$9,929	\$6,000	\$3,929
67	STONE GEORGE L JR HELEN	9665 SW DARMEL COURT	2S111BD00600	13669.38817	\$8,769	\$6,000	\$2,769
68	THORNBURG PHILIP B & BARBARA J	14780 SW 98TH AVE	2S111BD00508	14267.71464	\$9,143	\$6,000	\$3,143
69	TRAKUL STANLEY A	14885 SW 100TH AVE	2S111CB02300	16413.77588	\$10,518	\$6,000	\$4,518
70	WEBER WALTER N &	9980 SW MURDOCK	2S111BD01802	19523.44932	\$12,511	\$6,000	\$6,511
71	WHEATLEY ROBERT W &	14945 SW 100TH AVE	2S111CB02400	16413.74972	\$10,518	\$6,000	\$4,518
72	WILCOX DALE G & NANCY A TRS	9700 SW DARMEL CT	2S111CA13300	14087.48501	\$9,027	\$6,000	\$3,027
73	WINSTON MARK & ZSUZSANNA	14925 SW 100TH AVE	2S111CB02601	47937.20068	\$30,718	\$21,718	\$9,000
74	ZENZANO NELSON &	14965 SW 96TH AVE	2S111BD00411	14213.76957	\$9,108	\$6,000	\$3,108
			Totals	1412580	\$905,191	\$553,816	\$351,375
							\$553,816
						PROJECT TOTAL=	\$905,191

100TH & MURDOCK
Reimbursement District No. 27
Estimated Cost to Property Owners
Summary

Estimated Construction Cost	\$693,500
15% contingency (construction)	\$104,025
Estimated construction cost (plus contingency)	\$797,525
13.5% contingency (Admin & Eng)	\$107,666
Total Estimated project costs	\$905,191
total area to be served (S.F.)	1,412,580
Total Estimated cost per S.F. to property owner	\$0.64


100TH AVENUE & MURDOCK STREET – SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT NO. 27
A PORTION OF THE NW 1/4 OF SECTION 11 T2S R1W W.M.



NOTE:

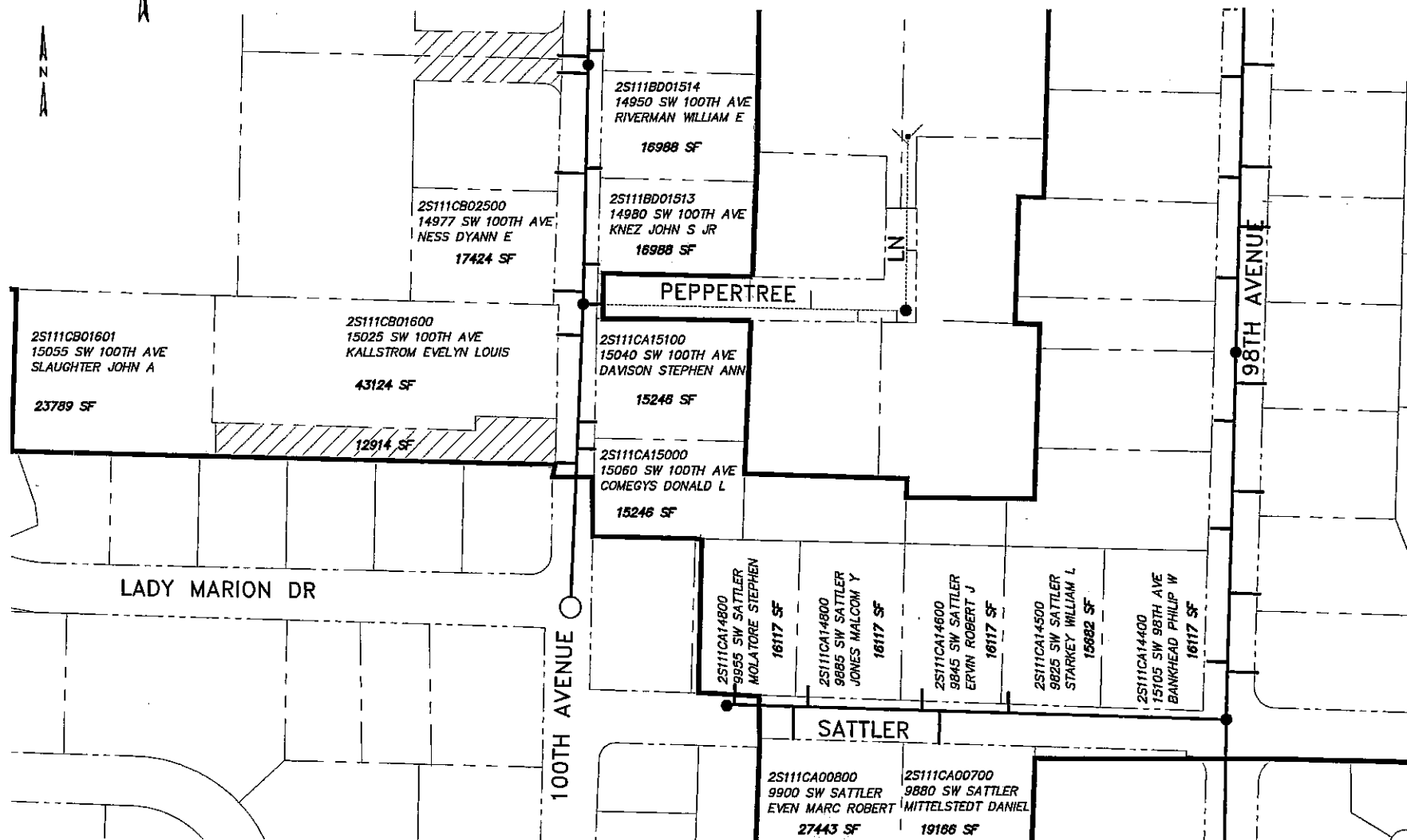
All properties district zoned R3.5

EXHIBIT B (p 1)

 EXCLUDED AREA IN DETERMINING LOT SIZE

100TH AVENUE & MURDOCK STREET – SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT NO. 27

A PORTION OF THE NW 1/4 OF SECTION 11 T2S R1W W.M.



NOTE:

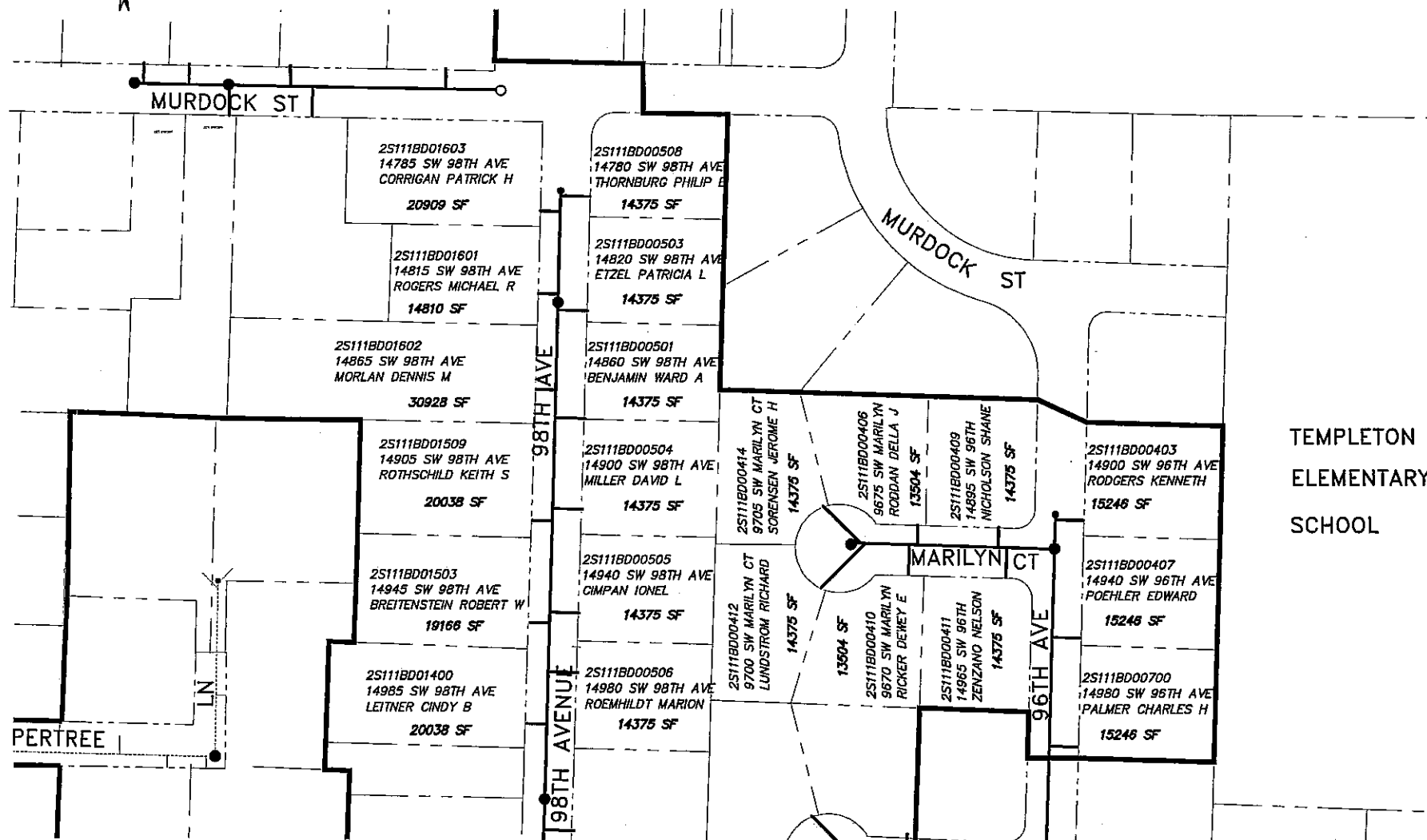
All properties district zoned R3.5

EXHIBIT B (p 2)

EXCLUDED AREA IN DETERMINING LOT SIZE

100TH AVENUE & MURDOCK STREET – SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT NO. 27

A PORTION OF THE NW 1/4 OF SECTION 11 T2S R1W W.M.

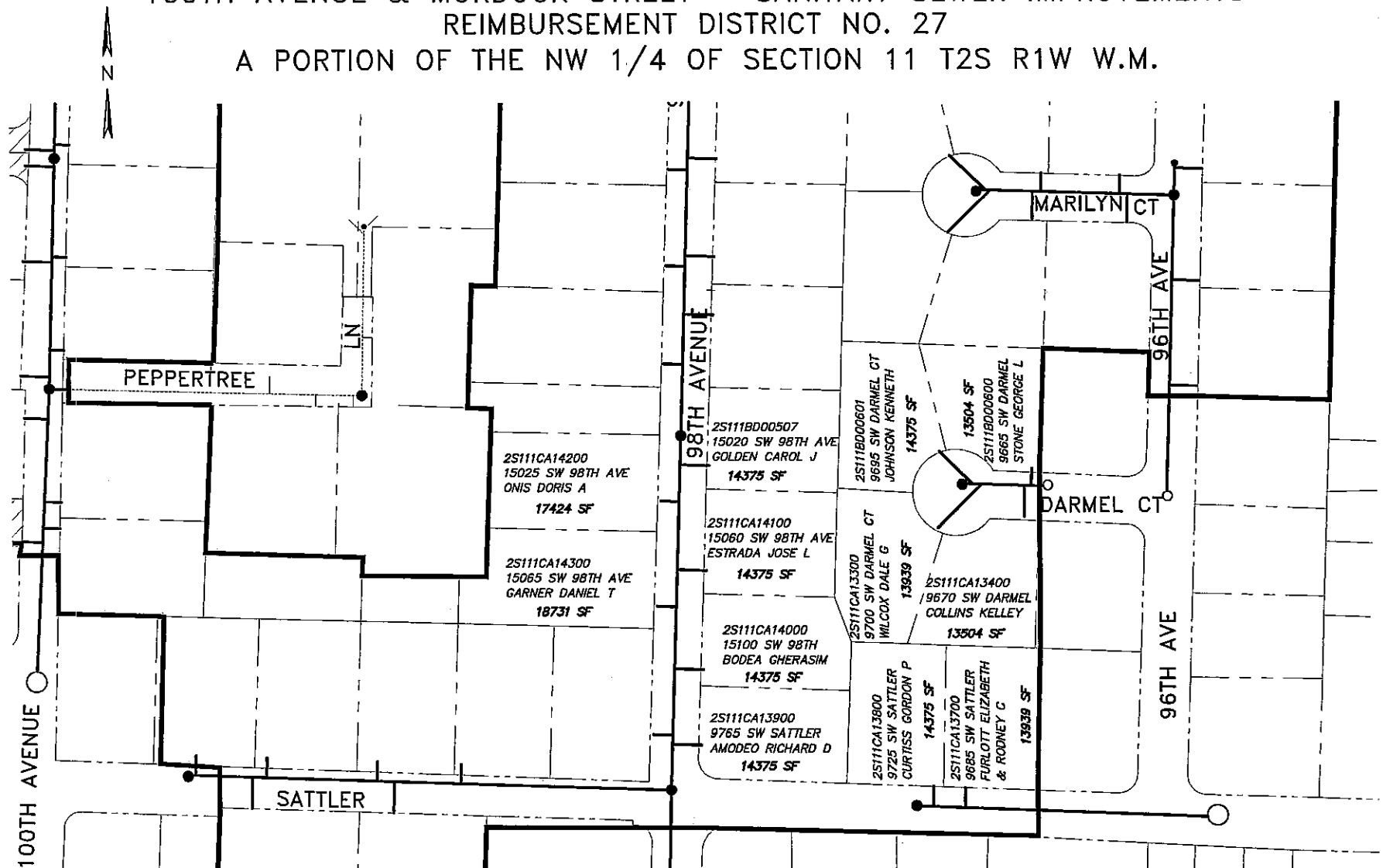


NOTE:

All properties district zoned R3.5

EXHIBIT B (p 3)

100TH AVENUE & MURDOCK STREET – SANITARY SEWER IMPROVEMENTS
 REIMBURSEMENT DISTRICT NO. 27
 A PORTION OF THE NW 1/4 OF SECTION 11 T2S R1W W.M.

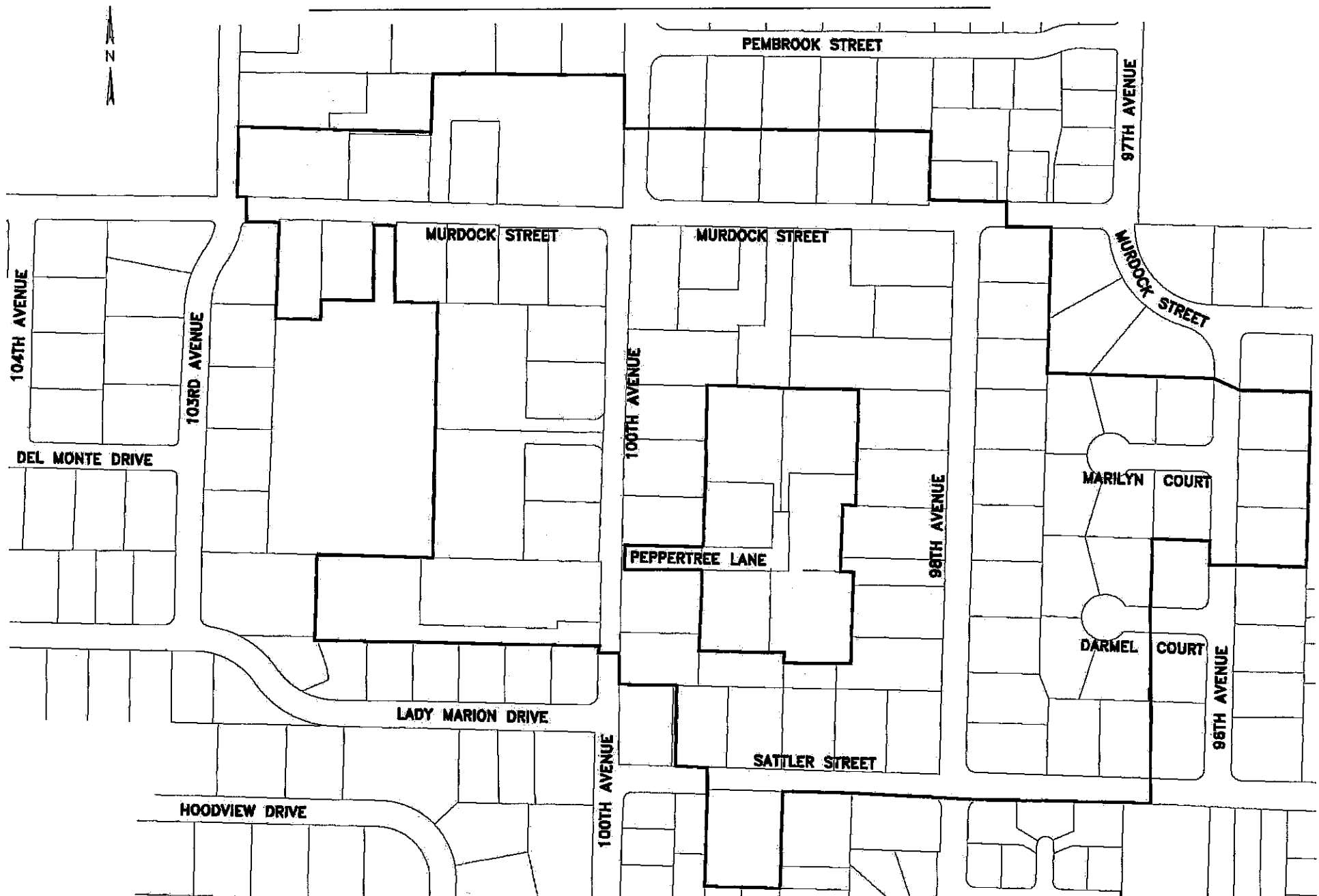


NOTE:

All properties district zoned R3.5

EXHIBIT B (p 4)

100TH & MURDOCK
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27
DISTRICT MAP



Communications Plan

100th Murdock Sanitary Sewer Extension Reimbursement District No. 27

Goal: Construction Sanitary Sewer Extension for Reimbursement District No. 27

Timeline: FY 04-05 Construction Season.

Communication Goal: To communicate to property owners within the Sanitary Sewer Reimbursement District the estimated cost of connecting to the public sanitary sewer line, the construction schedule, and final cost for the Reimbursement District.

Date	Item	Description	Responsibility
3/18/04	General Meeting	Explain Citywide Sanitary Sewer Extension Program to property owners proposed to be included in a Reimbursement District for FY04-05	Vannie Greg
4/8/04	Neighborhood Meeting Notice	Mail 4/22/04 meeting notice to proposed property owners within proposed Reimbursement District.	Diane Bethany
4/8/04	Events Calendar/Web Page	Post Meeting on Events Calendar and post map of District on Reimbursement District website.	Diane
4/22/04	Neighborhood Meeting	Meet with property owners to review estimated costs and construction activity.	Vannie Greg Westlake
6/7/04	Formation Hearing Notice	Mail Formation Hearing Notice to Property Owners within proposed Reimbursement District	Diane Bethany
6/22/04	Formation Hearing with CC	Public Hearing with City Council to review formation of proposed Reimbursement District.	Greg
6/23/04	Notice of Decision	Mail Notice of City Council's Decision to property owners within Reimbursement District	Diane Bethany
6/11/04	Advertisement	Submit Advertisement to DJC to publish 6-15-04 and TT to publish 6-17-04 for Construction of Reimbursement District.	Diane Bethany
6-29-04	Bid Opening	Opening of Bids at public bid opening.	Vannie Diane
6/29/04	City Council Submittal	Submit Agenda item summary - recommend contract be awarded to low bidder if appropriate.	Vannie
7/13/04	City Council/LCRB	City Council – Awards or rejects contract.	Gus
7/14/04	Award Bid	Send NOA and contract documents to lowest bidder after awarded by CC.	Diane Bethany
7/04	Pre-Construction Meeting	Inspector and Contractor meet prior to beginning work to go review proposed work and establish communication plan.	Mike Mills
7/26/04	Notice to Proceed	Issue NTP after Performance Bond and Insurance Certificates received and contract is signed.	Diane Bethany
7/04	Traffic Control Plan	Plan needs to be approved by construction inspector and project manager	Mike Mills Vannie
7/04	Lateral Locations	Confirm with property owners location of laterals	Mike Mills
7/04-8/04	Construction Inspection	Inspector is available to receive and respond to complaints	Mike Mills
7/04	Construction Notice	Hang Construction Notice on doorknobs of property owners impacted by project	Mike Mills Contractor
9/04	Notice to property owners for CC Assessment Hearing	Send hearing notice, Resolution, property owner cost to each property owner.	Greg Diane/Bethany
9/04	Notice of Final Assessment	Send Resolution with attachments to each property owner	Greg Diane/Bethany

Prepared by: Diane M. Jelderks, Senior Administrative Specialist

Approved by: 

June 7, 2004

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, JUNE 22, 2004 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

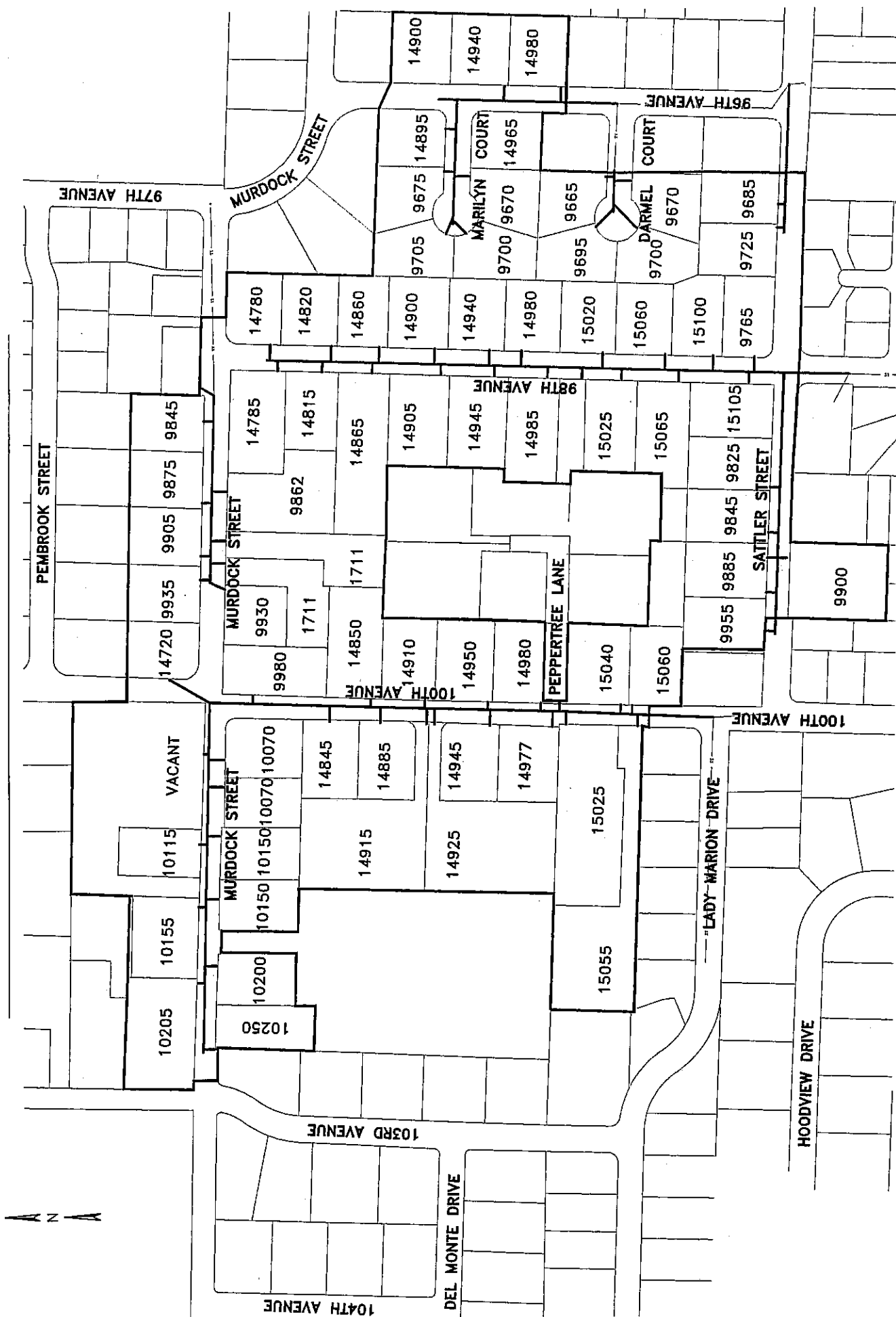
Proposed Sanitary Sewer Reimbursement District No. 27.
(SW Murdock Street, 100th Avenue)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Murdock Street, 100th Avenue.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 639-4171 extension 2468.

~~SECRET~~

100TH & MURDOCK
Reimbursement District No. 27
Estimated Cost to Property Owners

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY
1	ALEXANDER RONALD E	10150 SW MURDOCK ST	2S111CB00104	15500.10755	\$9,933	\$6,000	\$3,933
2	ALEXANDER RONALD E	10150 SW MURDOCK	2S111CB00102	15500.04694	\$9,933	\$6,000	\$3,933
3	AMODEO RICHARD D AND WANDA M	9765 SW SATTLER ST	2S111CA13900	14543.14892	\$9,319	\$6,000	\$3,319
4	ASBRA ANDREW J	9845 SW SATTLER ST	2S111CA14600	15427.38679	\$9,886	\$6,000	\$3,886
5	BARTON RICHARD M & DIANE M	14915 SW 100TH AVE	2S111CB02600	46337.92074	\$29,694	\$20,694	\$9,000
6	BENJAMIN WARD A/KIMBERLY A	14860 SW 98TH AVE	2S111BD00501	14444.68918	\$9,256	\$6,000	\$3,256
7	BODEA GHERASIM &	15100 SW 98TH AVE	2S111CA14000	14201.35965	\$9,100	\$6,000	\$3,100
8	BREITENSTEIN ROBERT W &	14945 SW 98TH AVE	2S111BD01503	19163.73271	\$12,280	\$6,000	\$6,280
9	CASE GLENN W & MARGARET A	9845 SW MURDOCK ST	2S111BD00316	15778.77437	\$10,111	\$6,000	\$4,111
10	CERBU MIRCEA	15105 SW 98TH AVE	2S111CA14400	16059.82138	\$10,291	\$6,000	\$4,291
11	COLLINS KELLY &	9670 SW DARMEL CT	2S111CA13400	13664.35272	\$8,756	\$6,000	\$2,756
12	COMEGYS DONALD L IDA J	15080 SW 100TH	2S111CA15000	15429.17185	\$9,887	\$6,000	\$3,887
13	CORLISS JAMES L/CORA K	9750 SW INEZ	2S111BC02503	79736.16162	\$51,095	\$42,095	\$9,000
14	CORRIGAN PATRICK H & KAREN A	14785 SW 98TH AVE	2S111BD01603	20821.80108	\$13,343	\$6,000	\$7,343
15	CROSS ROGER K III & CLARE E	10155 SW MURDOCK ST	2S111BC02401	20414.75698	\$13,082	\$6,000	\$7,082
16	CURTISS GORDON P &	9725 SW SATTLER ST	2S111CA13800	14499.93598	\$9,292	\$6,000	\$3,292
17	DAVISON STEPHEN ANN	15040 SW 100TH	2S111CA15100	15447.61997	\$9,899	\$6,000	\$3,899
18	ESTRADA JOSE L & OLIVIA J	15060 SW 98TH	2S111CA14100	14444.85884	\$9,256	\$6,000	\$3,256
19	EVEN MARC ROBERT &	9900 SW SATTLER ST	2S111CA00800	27610.38485	\$17,693	\$8,693	\$9,000
20	FOSTER CRAIG A & CAREN L	10200 SW MURDOCK ST	2S111CB00103	15504.75194	\$9,936	\$6,000	\$3,936
21	FURLOTT ELIZABETH L/RODNEY C	9685 SW SATTLER ST	2S111CA13700	13919.91657	\$8,920	\$6,000	\$2,920
22	GALICH PATRICIA &	10205 SW MURDOCK ST	2S111BC02500	31975.04443	\$20,490	\$11,490	\$9,000
23	GARNER DANIEL T AND	15065 SW 98TH AVE	2S111CA14300	18841.0227	\$12,073	\$6,000	\$6,073
24	GOLDEN CAROL JEAN &	15020 SW 98TH	2S111BD00507	14444.88115	\$9,256	\$6,000	\$3,256
25	GUTHRIE DONALD Z & SUSAN C	10070 SW MURDOCK ST	2S111CB02000	14999.9609	\$9,612	\$6,000	\$3,612
26	GUTHRIE DONALD Z & SUSAN C	10070 SW MURDOCK ST	2S111CB02100	16333.55831	\$10,467	\$6,000	\$4,467
27	HEINKE MICHAEL & CATHRYN	14910 SW 100TH AVE	2S111BD01519	16437.77581	\$10,533	\$6,000	\$4,533
28	HINTZ LESTER W	14845 SW 100TH	2S111CB02200	16404.31513	\$10,512	\$6,000	\$4,512
29	IRVING JAMES A & KAREN D	10250 SW MURDOCK ST	2S111CB00101	15581.34997	\$9,985	\$6,000	\$3,985
30	JOHNSON KENNETH AND	9685 DARMEL COURT	2S111BD00601	14507.51077	\$9,297	\$6,000	\$3,297
31	JONES MALCOLM Y AND	9885 SW SATTLER	2S111CA14700	16125.98842	\$10,334	\$6,000	\$4,334
32	KALLSTROM EVELYN LOUISE	15025 SW 100TH	2S111CB01600	43276.94613	\$27,732	\$18,732	\$9,000
33	KNEZ JOHN S JR & VICKI L	14980 SW 100TH AVE	2S111BD01513	17005.33173	\$10,897	\$6,000	\$4,897
34	LEDBETTER RICHARD E & MARGARET	9905 SW MURDOCK ST	2S111BD00318	15709.65022	\$10,067	\$6,000	\$4,067
35	LEITNER CINDY B	14985 SW 98TH	2S111BD01400	19852.62975	\$12,786	\$6,000	\$6,786
36	LOWERY LESLIE MARTIN & NORA M	14820 SW 98TH AVE	2S111BD00503	14444.82109	\$9,256	\$6,000	\$3,256
37	LUNDSTROM RICHARD & NAILA	9700 SW MARILYN CT	2S111BD00412	14501.11024	\$9,292	\$6,000	\$3,292
38	LUSK JOHN D & GWEN E	9862 SW MURDOCK ST	2S111BD01600	28420.31441	\$18,212	\$9,212	\$9,000
39	MAYS KENNETH W & KARLEEN R	10115 SW MURDOCK ST	2S111BC02501	15028.03145	\$9,630	\$6,000	\$3,630
40	MILLER DAVID L AND	14900 SW 98TH	2S111BD00504	14444.55861	\$9,256	\$6,000	\$3,256
41	MOLATORE STEPHEN R & DEBRA L	9855 SW SATTLER ST	2S111CA14800	16051.44588	\$10,286	\$6,000	\$4,286
42	MOORE TIMOTHY &	14940 SW 98TH AVE	2S111BD00505	14444.60788	\$9,256	\$6,000	\$3,256
43	MORLAN DENNIS M & ANN T TRS	14865 SW 98TH ST	2S111BD01602	30813.1579	\$19,745	\$10,745	\$9,000
44	MURPHY EDWARD J AND DANA S	9875 SW MURDOCK ST	2S111BD00317	15744.21229	\$10,089	\$6,000	\$4,089
45	NESS DYANNE	14977 SW 100TH AVE	2S111CB02500	17617.30737	\$11,289	\$6,000	\$5,289
46	NICHOLSON SHANE &	14895 SW 96TH AVE	2S111BD00409	14215.65888	\$9,109	\$6,000	\$3,109
47	ODELL ROBERT CHARLOTTE	14850 SW 100TH	2S111BD01801	23007.74376	\$14,744	\$6,000	\$8,744
48	ONNIS DORIS A/ROBERTO	15025 SW 98TH	2S111BD01518	9356.96849	\$5,996	\$5,996	\$0
49	ONNIS DORIS A/ROBERTO	15025 SW 98TH AVE	2S111CA14200	17581.80018	\$11,267	\$6,000	\$5,267
50	PALMER FAMILY TRUST	14980 SW 96TH AVE	2S111BD00700	15200.7139	\$9,741	\$6,000	\$3,741
51	POEHLER EDWARD CARL	14940 SW 96TH AVE	2S111BD00407	15221.30645	\$9,754	\$6,000	\$3,754
52	RICKER DEWEY E JR AND	9670 SW MARILYN COURT	2S111BD00410	13664.86825	\$8,757	\$6,000	\$2,757
53	RILEY DANIEL C	9935 SW MURDOCK ST	2S111BD00319	15675.08814	\$10,045	\$6,000	\$4,045
54	RIVERMAN WILLIAM E INA	14950 SW 100TH	2S111BD01514	17005.61159	\$10,897	\$6,000	\$4,897
55	RODDAN DELLA L	9675 SW MARILYN COURT	2S111BD00406	13683.24705	\$8,768	\$6,000	\$2,768
56	RODGERS KENNETH A AND	14900 SW 96TH	2S111BD00403	15236.75488	\$9,764	\$6,000	\$3,764
57	ROEMHILDT MARION	14980 SW 98TH ST	2S111BD00506	14444.88076	\$9,256	\$6,000	\$3,256
58	ROGERS MICHAEL R & ELIZABETH A	14815 SW 98TH	2S111BD01601	14476.71198	\$9,277	\$6,000	\$3,277
59	ROTHSCHILD KEITH S	14905 SW 98TH AVE	2S111BD01509	20248.58608	\$12,975	\$6,000	\$6,975
60	RYAN M LORRAINE ET AL	1711 NW 100TH ST	2S111BD01702	18880.86049	\$12,099	\$6,000	\$6,099
61	RYAN M LORRAINE ET AL	1711 NW 100TH ST	2S111BD01701	21178.13195	\$13,571	\$6,000	\$7,571
62	RYAN SCOTT PATRICK	1711 NW 100TH ST	2S111BD01700	14036.66718	\$8,995	\$6,000	\$2,995
63	SLAUGHTER JOHN A BEATRICE	15055 SW 100TH AVE	2S111CB01601	45942.90528	\$29,441	\$20,441	\$9,000
64	SLEEGER PRESTON A JR AND	14720 SW 100TH	2S111BD00320	15437.32596	\$9,892	\$6,000	\$3,892
65	SORENSEN JEROME H	9705 SW MARILYN CT	2S111BD00414	14506.01803	\$9,296	\$6,000	\$3,296
66	STARKEY WILLIAM L & BONNIE K	9825 SW SATTLER ST	2S111CA14500	15494.99907	\$9,929	\$6,000	\$3,929
67	STONE GEORGE L JR HELEN	9665 SW DARMEL COURT	2S111BD00600	13669.38817	\$8,759	\$6,000	\$2,759
68	THORNBURG PHILIP B & BARBARA J	14780 SW 98TH AVE	2S111BD00508	14267.71464	\$9,143	\$6,000	\$3,143
69	TRAKUL STANLEY A	14885 SW 100TH AVE	2S111CB02300	16413.77588	\$10,518	\$6,000	\$4,518
70	WEBER WALTER N &	9980 SW MURDOCK	2S111BD01802	19523.44932	\$12,511	\$6,000	\$6,511
71	WHEATLEY ROBERT W &	14945 SW 100TH AVE	2S111CB02400	16413.74972	\$10,518	\$6,000	\$4,518
72	WILCOX DALE G & NANCY A TRS	9700 SW DARMEL CT	2S111CA13300	14087.48501	\$9,027	\$6,000	\$3,027
73	WINSTON MARK & ZSUZSANNA	14925 SW 100TH AVE	2S111CB02601	47937.20068	\$30,718	\$21,718	\$9,000
74	ZENZANO NELSON &	14965 SW 96TH AVE	2S111BD00411	14213.76957	\$9,108	\$6,000	\$3,108
			Totals	1412580	\$905,191	\$553,816	\$351,375
							\$553,816
						PROJECT TOTAL=	\$905,191

100TH & MURDOCK
Reimbursement District No. 27
Estimated Cost to Property Owners
Summary

<hr/>	
Estimated Construction Cost	\$693,500
15% contingency (construction)	\$104,025
Estimated construction cost (plus contingency)	\$797,525
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13.5% contingency (Admin & Eng)	\$107,666
Total Estimated project costs	\$905,191
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total area to be served (S.F.)	1,412,580
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Total Estimated cost per S.F. to property owner	\$0.64
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CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

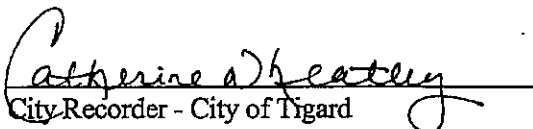
EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYN.No.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Throo years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55

A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

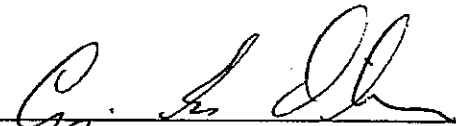
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

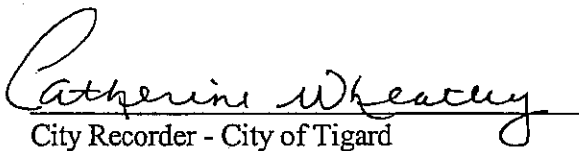
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.


~~Mayer~~ City of Tigard
Craig E. Dirksen, Council President

ATTEST:


Catherine Wheahey
City Recorder - City of Tigard

I:\eng\grg\reimbursement districts\revisions res 01-40 aug 20 03\oct 14 03 council\10-14-03 addition to res 1-48 res.doc

AGENDA ITEM # 9
FOR AGENDA OF June 22, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Finalize Formation of Sanitary Sewer Reimbursement District No. 29 (SW Park Street and Derry Dell Court)

PREPARED BY: G. Berry ^{201B} DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Finalize the formation of Sanitary Sewer Reimbursement District No. 29, established to construct sanitary sewers in SW Park Street and Derry Dell Court as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approve the proposed resolution, approving the formation of Reimbursement District No. 29 as modified by the final City Engineer's Report.

INFORMATION SUMMARY

Council approved the formation of Reimbursement District No. 29 by Resolution 03-33 on August 26, 2003. Since then, construction of the improvements has been completed and final costs have been determined. The City Engineer's Report has been revised accordingly.

The estimated cost for the sanitary sewer construction appearing in Resolution 03-33 was \$510,190. The contractor's bid of \$485,894.50 plus \$203,714.52 in contract amendments resulted in a final construction cost of \$689,609.02. The final construction cost exceeds the estimated cost by \$179,419.02 or 35%. The need to remove an additional amount of unsuitable soil from the sewer trench to provide an adequate foundation for the sewer accounts for \$187,100 of the contract amendments. The remaining \$16,614.52 of contract amendments resulted from extra work required to replace an undersized existing sewer, replace existing failed pavement, relocation of a lateral and adjustments to unit price quantities.

Through the City's Neighborhood Sewer Extension Program, the City has installed public sewers to each lot within the Reimbursement District. The property owners must reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, property owners must pay a connection fee of \$2,435 (\$2,535 after June 30, 2004) and are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made.

If Council approves this request to finalize the Reimbursement District, owners within the district will be notified that the sewer is available for connection.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

- Proposed Resolution
 - Exhibit A- Final City Engineer's Report
 - Exhibit B- Map
- Resolution No. 03-33
- Vicinity Map
- Notice to Owners
 - Mailing List
- Communication Plan
- Resolution No. 01-46
- Resolution No. 03-55

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29 (SW PARK STREET AND DERRY DELL COURT)

WHEREAS, on August 26, 2003, the City Council approved Resolution 03-33 to form Sanitary Sewer District No. 29 to construct sewers in SW Park Street and Derry Dell Court in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution 03-33 included the City Engineer's Report that included an estimated construction and total project cost; and

WHEREAS, construction of the sewer improvements has been completed, final costs have been determined and the City Engineer's Report has been revised to include the final costs as required by TMC13.09.105 (1); and

WHEREAS, the property owners within the district have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report as recommended by the City Engineer are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The Final City Engineer's Report titled " Sanitary Sewer Reimbursement District No. 29, attached hereto as Exhibit A, is hereby approved.

SECTION 2 Resolution 03-33 is hereby amended to add the revised City Engineer's Report.

SECTION 3 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

SECTION 4 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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Exhibit A
Final City Engineer's Report
Sanitary Sewer Reimbursement District No. 29
(SW Park and Derry Dell Streets)

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard installed public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner must pay a connection fee of \$2,435 (\$2,535 after June 30, 2004) and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Watkins Avenue was extended south and a sewer in SW 107th Avenue was extended east along Park Street and Cook Lane to serve forty-six lots as shown on Exhibit Map B. The project provided sewer service to forty-six lots along the entire unserved portions of SW Park Street, Derry Dell Court, Cook Lane and Watkins Avenue.

Cost

The final cost for the sanitary sewer construction is \$689,609.02. Engineering and inspection fees amount to \$93,097.22 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$782,706.24. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,435 (\$2,535 after June 30, 2004) connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from about 10,000 square feet to over 22,000 as can be seen on the attached list of owners.

Therefore, it is recommended that the total cost of the project be divided among the forty-six properties proportional to the square footage of each property. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$1.0219 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution 03-55.

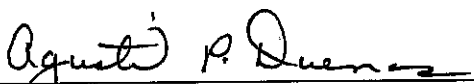
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 8, 2004


Agustin P. Duenas, P.E.
City Engineer

\\eng\reg\reimbursement districts\29 derry dell, watkins\final\6-22-04 reim dist 29 report.doc

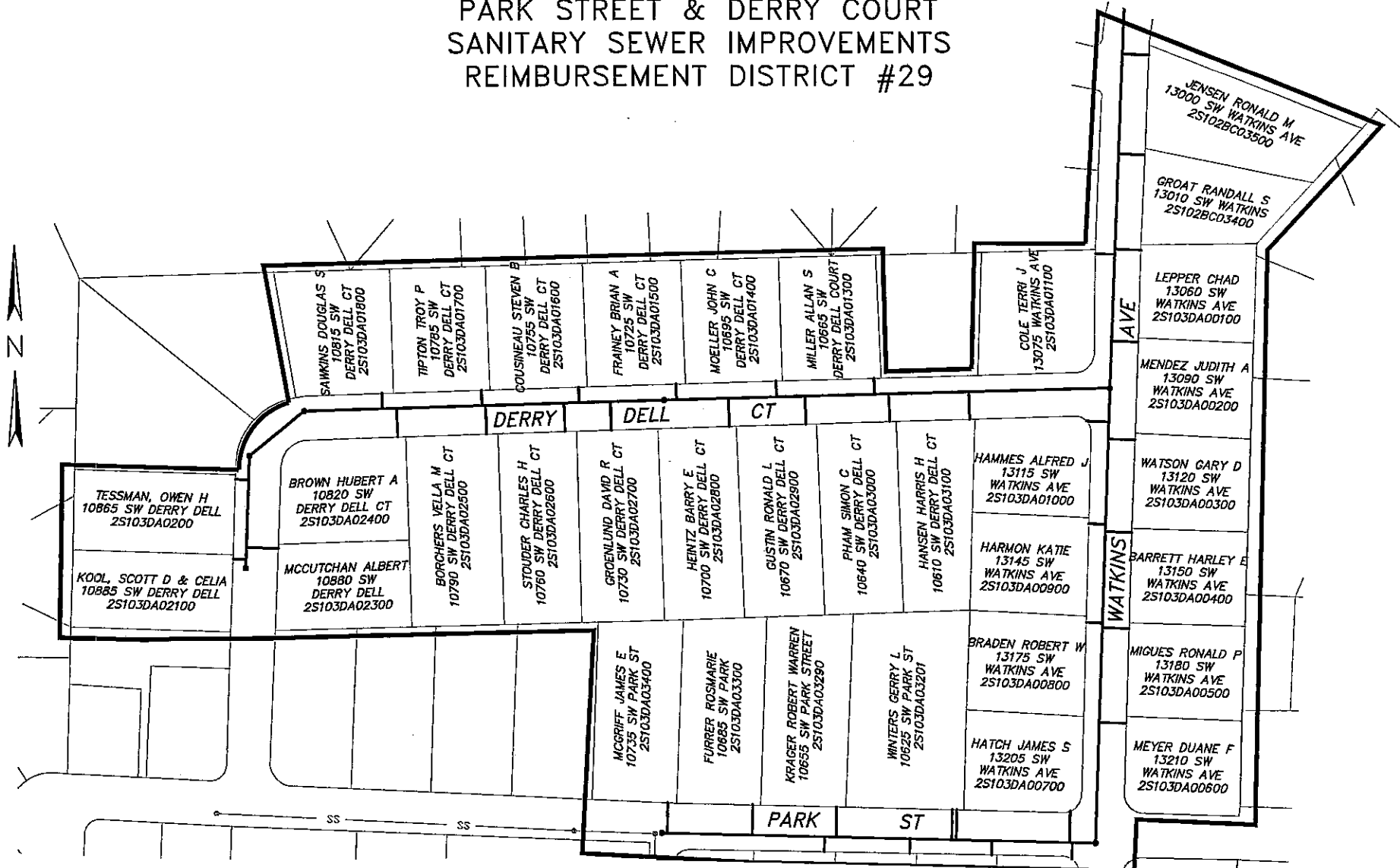
Reimbursement District No. 29
Cost to Property Owners Based on Final Project Cost
Summary

<hr/>	
Final Construction Cost	\$689,609.02
<hr/>	
<hr/>	
13.5% contingency (Admin & Eng)	\$93,097.22
total project costs	\$782,706.24
<hr/>	
total area to be served (S.F.)	765,925.35
<hr/>	
total cost per S.F. to property owner	\$1.0219
<hr/>	

Reimbursement District No. 29
Cost to Property Owners Based on Final Construction Cost

				FINAL COST		
OWNER	SITE ADDRESS	AREA (S.F.)	TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY	
1	DUCAN JAN & BARRETT TIM	13150 SW WATKINS AVE	13926.64909	\$14,232	\$6,000	\$8,232
2	BISHOP WILBUR A AND MARTHA E	10590 SW COOK LN	14646.50836	\$14,967	\$6,000	\$8,967
3	BORCHERS VELLA M	10790 SW DERRY DELL	22358.89852	\$22,849	\$13,849	\$9,000
4	BRADEN ROBERT W & KATHLEEN J	13175 SW WATKINS AVE	14429.44431	\$14,746	\$6,000	\$8,746
5	BROWN HUBERT A	10820 SW DERRY DELL	16724.83997	\$17,091	\$8,091	\$9,000
6	COLE TERRI J	13075 SW WATKINS AVE	18126.07349	\$18,523	\$9,523	\$9,000
7	COUSINEAU STEVEN B &	10755 SW DERRY DELL	15367.02424	\$15,704	\$6,704	\$9,000
8	FRAINEY BRIAN A & ABIGAIL J	10725 SW DERRY DELL	15366.98757	\$15,704	\$6,704	\$9,000
9	FURRER ROSMARIE	10685 SW PARK ST	19762.54608	\$20,196	\$11,196	\$9,000
10	GRAY GAYLE R	10660 SW PARK ST	14573.06828	\$14,892	\$6,000	\$8,892
11	GROAT RANDALL S & CAROLYN J	13010 SW WATKINS	15404.02471	\$15,742	\$6,742	\$9,000
12	GROENLUND DAVID R AND	10730 SW DERRY DELL	19533.50173	\$19,961	\$10,961	\$9,000
13	GUSTIN RONALD L & TAMMY G	10670 SW DERRY DELL	19537.91667	\$19,966	\$10,966	\$9,000
14	HAMMES ALFRED J HELEN L	13115 SW WATKINS AVE	14471.49969	\$14,789	\$6,000	\$8,789
15	HANSEN HARRIS H SARA J	10610 SW DERRY DELL	17986.1348	\$18,380	\$9,380	\$9,000
16	HARMON KATIE	13145 SW WATKINS AVE	14429.56599	\$14,746	\$6,000	\$8,746
17	HATCH JAMES S/MARCIEL J &	13205 SW WATKINS ST	14347.22665	\$14,662	\$6,000	\$8,662
18	HEINTZ BARRY E	10700 SW DERRY DELL	19537.74845	\$19,966	\$10,966	\$9,000
19	HOLCOMBE GERALD A &	13485 SW WATKINS ST	14726.18773	\$15,049	\$6,049	\$9,000
20	JENSEN RONALD M &	13000 SW WATKINS	20738.95548	\$21,193	\$12,193	\$9,000
21	KOOL SCOTT D & CELIA C	10885 SW DERRY DELL	16201.93421	\$16,557	\$7,557	\$9,000
22	KRAGER ROBERT WARREN	10655 SW PARK ST	20861.07951	\$21,318	\$12,318	\$9,000
23	LEPPER CHAD & MI YOUNG	13060 SW WATKINS ST	14195.40658	\$14,506	\$6,000	\$8,506
24	MCCUTCHAN ALBERT	10880 SW DERRY DELL	15118.21956	\$15,449	\$6,449	\$9,000
25	MCGRIFF JAMES E/SHEILA M	10735 SW PARK ST	19211.32816	\$19,632	\$10,632	\$9,000
26	MENDEZ JUDITH A	13090 SW WATKINS AVE	13905.98901	\$14,211	\$6,000	\$8,211
27	MEYER DUANE FRANCIS	13210 SW WATKINS ST	13934.27425	\$14,240	\$6,000	\$8,240
28	MIGUES RONALD P & DEBORAH R	13180 SW WATKINS AVE	13936.73103	\$14,242	\$6,000	\$8,242
29	MILLER ALLAN S DOREEN J	10665 SW DERRY DELL	15365.72783	\$15,702	\$6,702	\$9,000
30	MOELLER JOHN C & NANCY A	10695 SW DERRY DELL	15366.9509	\$15,704	\$6,704	\$9,000
31	MURFINSIMMONS MATTHEW T &	13365 SW WATKINS ST	14375.98869	\$14,691	\$6,000	\$8,691
32	NOLES DAVID R AND	10630 SW PARK ST	14667.82779	\$14,989	\$6,000	\$8,989
33	PHAM SIMON C & REBECCA T	10640 SW DERRY DELL	19538.24056	\$19,966	\$10,966	\$9,000
34	PONIATOWSKI-D'ERMENGARD	10665 SW COOK LANE	14468.20714	\$14,785	\$6,000	\$8,785
35	PUGSLEY CLAYTON A &	10570 SW PARK ST	14778.43789	\$15,102	\$6,102	\$9,000
36	RESLER MICHAEL D & BARBARA S	10620 SW COOK LANE	19574.84873	\$20,004	\$11,004	\$9,000
37	PATINO CARLOS SR & BLANCA	10605 SW COOK LN	14465.75477	\$14,783	\$6,000	\$8,783
38	SAWKINS DOUGLAS S &	10815 SW DERRY DELL	16763.55464	\$17,131	\$8,131	\$9,000
39	SHOLES LANCE M &	10634 SW COOK LN	19572.73686	\$20,062	\$11,062	\$9,000
40	STOUDER CHARLES H TR &	10760 SW DERRY DELL	19537.0636	\$19,965	\$10,965	\$9,000
41	TESSMAN OWEN H	10865 SW DERRY DELL	16199.23647	\$16,554	\$7,554	\$9,000
42	TIPTON TROY P & MICHELLE J	10785 SW DERRY DELL	15367.06091	\$15,704	\$6,704	\$9,000
43	WATSON GARY D &	13120 SW WATKINS AVE	13916.56716	\$14,221	\$6,000	\$8,221
44	WEESE TERRY & DORI	10600 SW PARK ST	14764.34445	\$15,088	\$6,088	\$9,000
45	WILLIAMS DAVID S	10635 SW COOK CT	14467.42728	\$14,784	\$6,000	\$8,784
46	WINTERS GERRY L	10625 SW PARK ST	29375.61232	\$30,019	\$21,019	\$9,000
		Totals	765925.35	\$782,706.24	\$375,221	\$407,486
						\$375,221
						PROJECT TOTAL= \$782,706

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



See Exhibit B (pg 2)

NOTE:

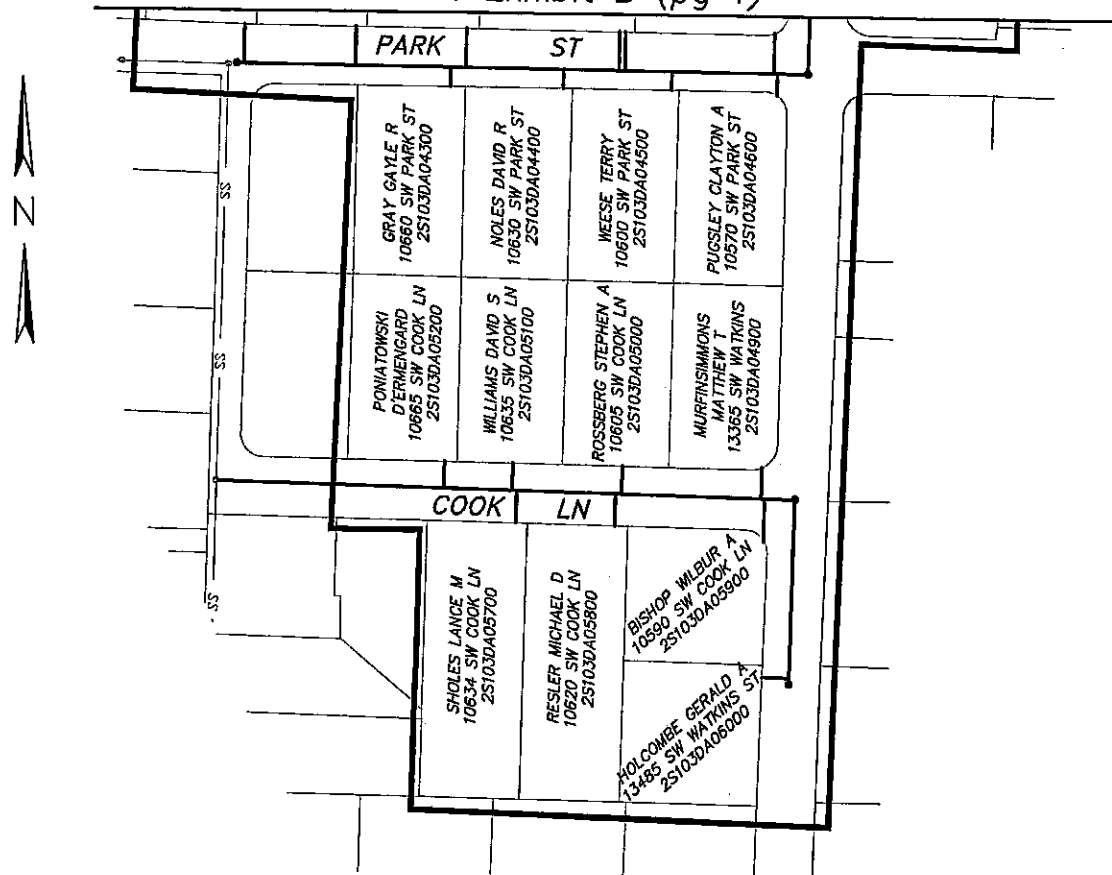
All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 1)

NTS

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29

See Exhibit B (pg 1)



NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 2)

NTS

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-33



A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29
(SW PARK, DERRY DELL STREETS)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

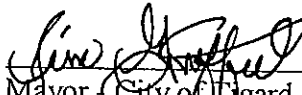
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 29", attached hereto as Exhibit A, is hereby approved.
- SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 29, SW Park and Derry Dell Streets."
- SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6 This resolution is effective upon passage.

PASSED:

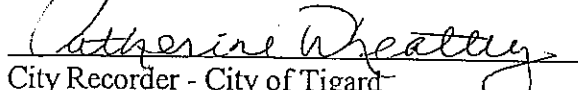


This 26th day of August 2003.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 29
(SW Park and Derry Dell Streets)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,435 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Watkins Avenue would be extended south and a sewer in SW 107th Avenue would be extended east along Park Street and Cook Lane to serve forty-six lots as shown on Exhibit Map B. The proposed project would provide sewer service to forty-six lots along the entire unserved portions of SW Park Street, Derry Dell Court, Cook Lane and Watkins Avenue.

Cost

The estimated cost for the sanitary sewer construction is \$510,189.23. This includes the \$485,894.50 bid by the contractor plus a 5% contingency of \$24,294.73. Engineering and inspection fees amount to \$68,875.55 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$579,064.77. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,435 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from about 10,000 square feet to over 22,000 as can be seen on the attached list of owners.

Therefore, it is recommended that the total cost of the project be divided among the forty-six properties proportional to the square footage of each property. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.76 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

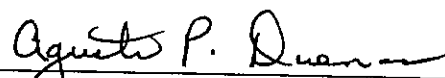
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted August 12, 2003



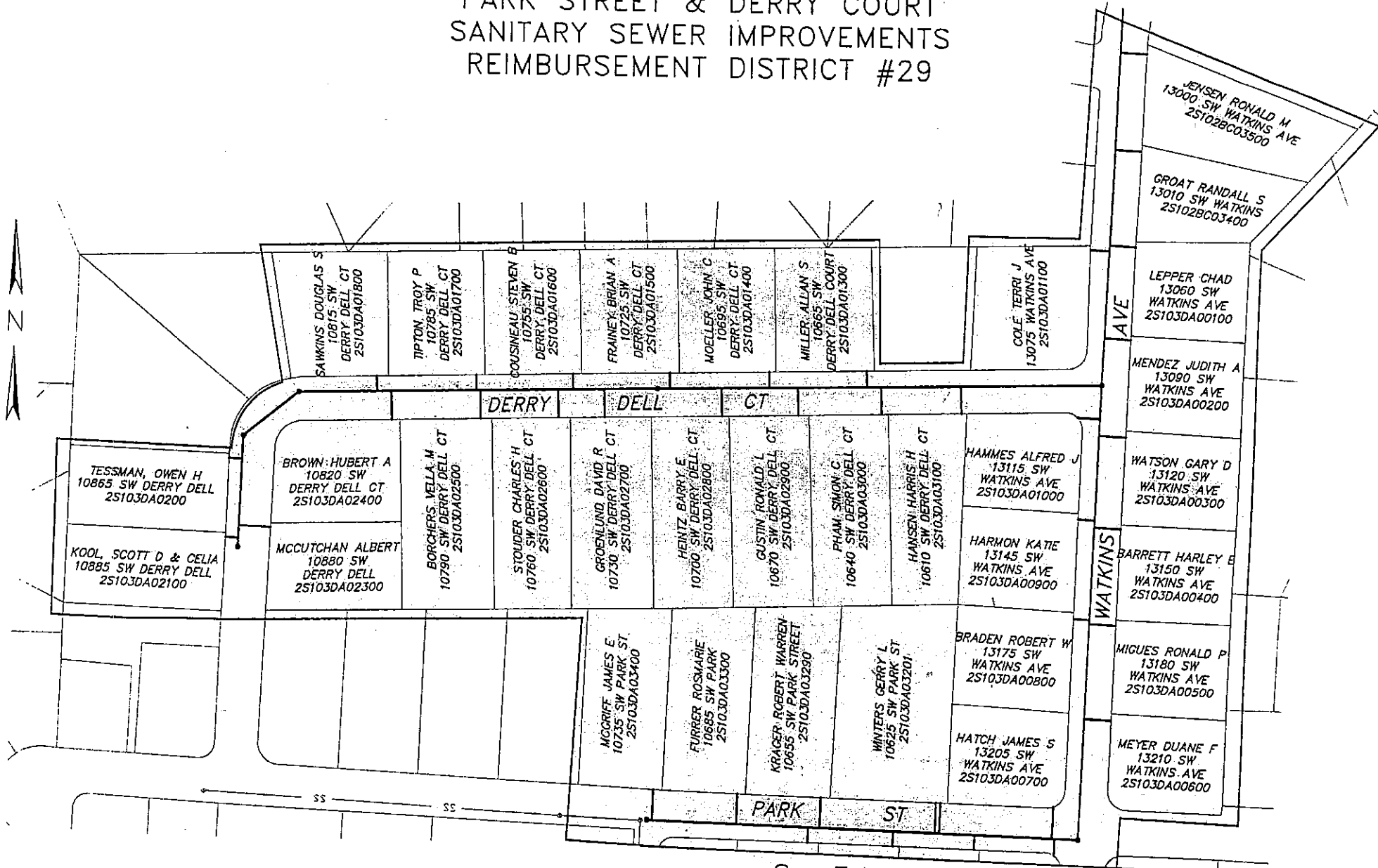
Agustin P. Duenas, P.E.
City Engineer

Reimbursement District No. 29

Estimated Cost to Property Owners

			ESTIMATED COST TO PROPERTY OWNER
OWNER	SITE ADDRESS	AREA (S.F.)	
1 BARRETT HARLEY E	13150 SW WATKINS AVE	13926.64909	\$10,529
2 BISHOP WILBUR A AND MARTHA E	10590 SW COOK LN	14646.50836	\$11,073
3 BORCHERS VELLA M	10790 SW DERRY DELL	22358.89852	\$16,904
4 BRADEN ROBERT W & KATHLEEN J	13175 SW WATKINS AVE	14429.44431	\$10,909
5 BROWN HUBERT A	10820 SW DERRY DELL	16724.83997	\$12,645
6 COLE TERRI J	13075 SW WATKINS AVE	18126.07349	\$13,704
7 COUSINEAU STEVEN B &	10755 SW DERRY DELL	15367.02424	\$11,618
8 FRAINEY BRIAN A & ABIGAIL J	10725 SW DERRY DELL	15366.98757	\$11,618
9 FURRER ROSMARIE	10685 SW PARK ST	19762.54608	\$14,941
10 GRAY GAYLE R	10660 SW PARK ST	14573.06828	\$11,018
11 GROAT RANDALL S & CAROLYN J	13010 SW WATKINS	15404.02471	\$11,646
12 GROENLUND DAVID R AND	10730 SW DERRY DELL	19533.50173	\$14,768
13 GUSTIN RONALD L & TAMMY G	10670 SW DERRY DELL	19537.91667	\$14,771
14 HAMMES ALFRED J HELEN L	13115 SW WATKINS AVE	14471.49969	\$10,941
15 HANSEN HARRIS H SARA J	10610 SW DERRY DELL	17986.1348	\$13,598
16 HARMON KATIE	13145 SW WATKINS AVE	14429.56599	\$10,909
17 HATCH JAMES S/MARCIEL J &	13205 SW WATKINS ST	14347.22665	\$10,847
18 HEINTZ BARRY E	10700 SW DERRY DELL	19537.74845	\$14,771
19 HOLCOMBE GERALD A &	13485 SW WATKINS ST	14726.18773	\$11,133
20 JENSEN RONALD M &	13000 SW WATKINS	20738.95548	\$15,679
21 KOOL SCOTT D & CELIA C	10885 SW DERRY DELL	16201.93421	\$12,249
22 KRAGER ROBERT WARREN	10655 SW PARK ST	20861.07951	\$15,772
23 LEPPER CHAD & MI YOUNG	13060 SW WATKINS ST	14195.40658	\$10,732
24 MCCUTCHAN ALBERT	10880 SW DERRY DELL	15118.21956	\$11,430
25 MCGRIFF JAMES E/SHEILA M	10735 SW PARK ST	19211.32816	\$14,524
26 MENDEZ JUDITH A	13090 SW WATKINS AVE	13905.98901	\$10,513
27 MEYER DUANE FRANCIS	13210 SW WATKINS ST	13934.27425	\$10,535
28 MIGUES RONALD P & DEBORAH R	13180 SW WATKINS AVE	13936.73103	\$10,537
29 MILLER ALLAN S DOREEN J	10665 SW DERRY DELL	15365.72783	\$11,617
30 MOELLER JOHN C & NANCY A	10695 SW DERRY DELL	15366.9509	\$11,618
31 MURFINSIMMONS MATTHEW T &	13365 SW WATKINS ST	14375.98869	\$10,869
32 NOLES DAVID R AND	10630 SW PARK ST	14667.82779	\$11,089
33 PHAM SIMON C & REBECCA T	10640 SW DERRY DELL	19538.24056	\$14,772
34 PONIATOWSKI-D'ERMENGARD	10665 SW COOK LANE	14468.20714	\$10,938
35 PUGSLEY CLAYTON A &	10570 SW PARK ST	14778.43789	\$11,173
36 RESLER MICHAEL D & BARBARA S	10620 SW COOK LANE	19574.84873	\$14,799
37 ROSSBERG STEPHEN A	10605 SW COOK LN	14465.75477	\$10,937
38 SAWKINS DOUGLAS S &	10815 SW DERRY DELL	16763.55464	\$12,674
39 SHOLES LANCE M &	10634 SW COOK LN	19572.73686	\$14,798
40 STOUDER CHARLES H TR &	10760 SW DERRY DELL	19537.0636	\$14,771
41 TESSMAN OWEN H	10865 SW DERRY DELL	16199.23647	\$12,247
42 TIPTON TROY P & MICHELLE J	10785 SW DERRY DELL	15367.06091	\$11,618
43 WATSON GARY D &	13120 SW WATKINS AVE	13916.56716	\$10,521
44 WEESE TERRY & DORI	10600 SW PARK ST	14764.34445	\$11,162
45 WILLIAMS DAVID S	10635 SW COOK CT	14467.42728	\$10,938
46 WINTERS GERRY L	10625 SW PARK ST	29375.61232	\$22,209
Totals		765925.35	\$579,064.77

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



NOTE:

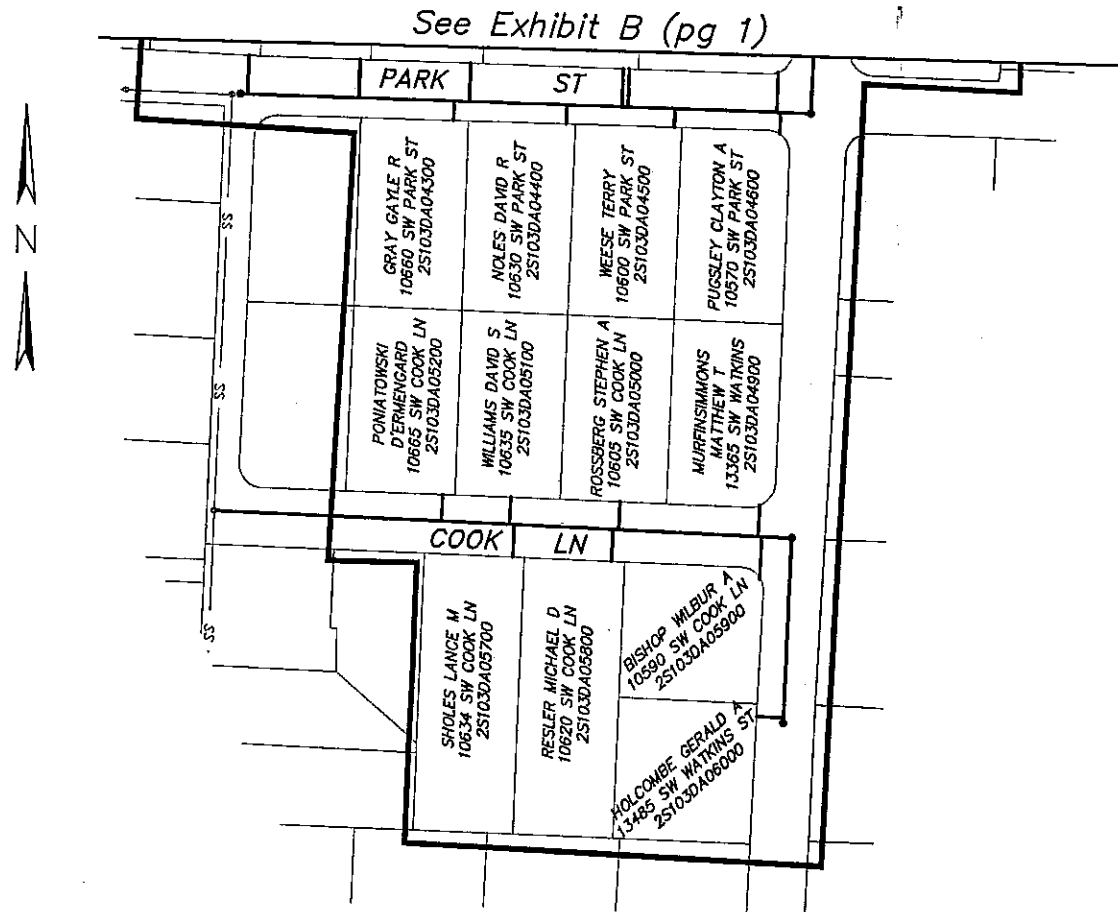
All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 1)

NTS

See Exhibit B (pg 2)

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



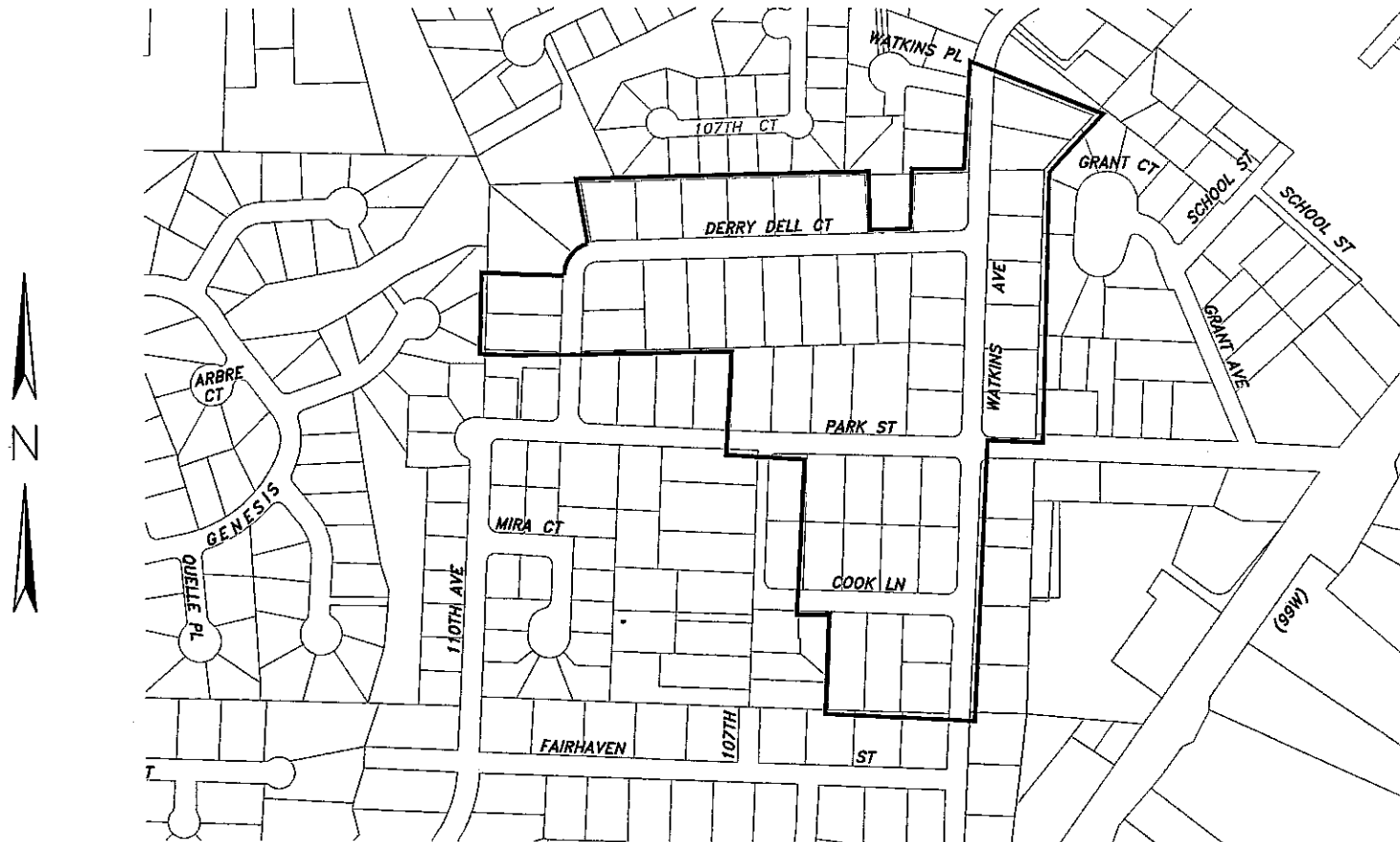
NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 2)

NTS

PARK STREET & DERRY COURT
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29
A PORTION OF THE NE 1/4 OF SECTION 3 T2S R1W W.M.



VICINITY MAP
NTS

June 7, 2004

NOTICE
of
PUBLIC HEARING
Tuesday, June 22, 2004
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on June 22, 2004 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, OR 97223, or by calling 503 718-2468.

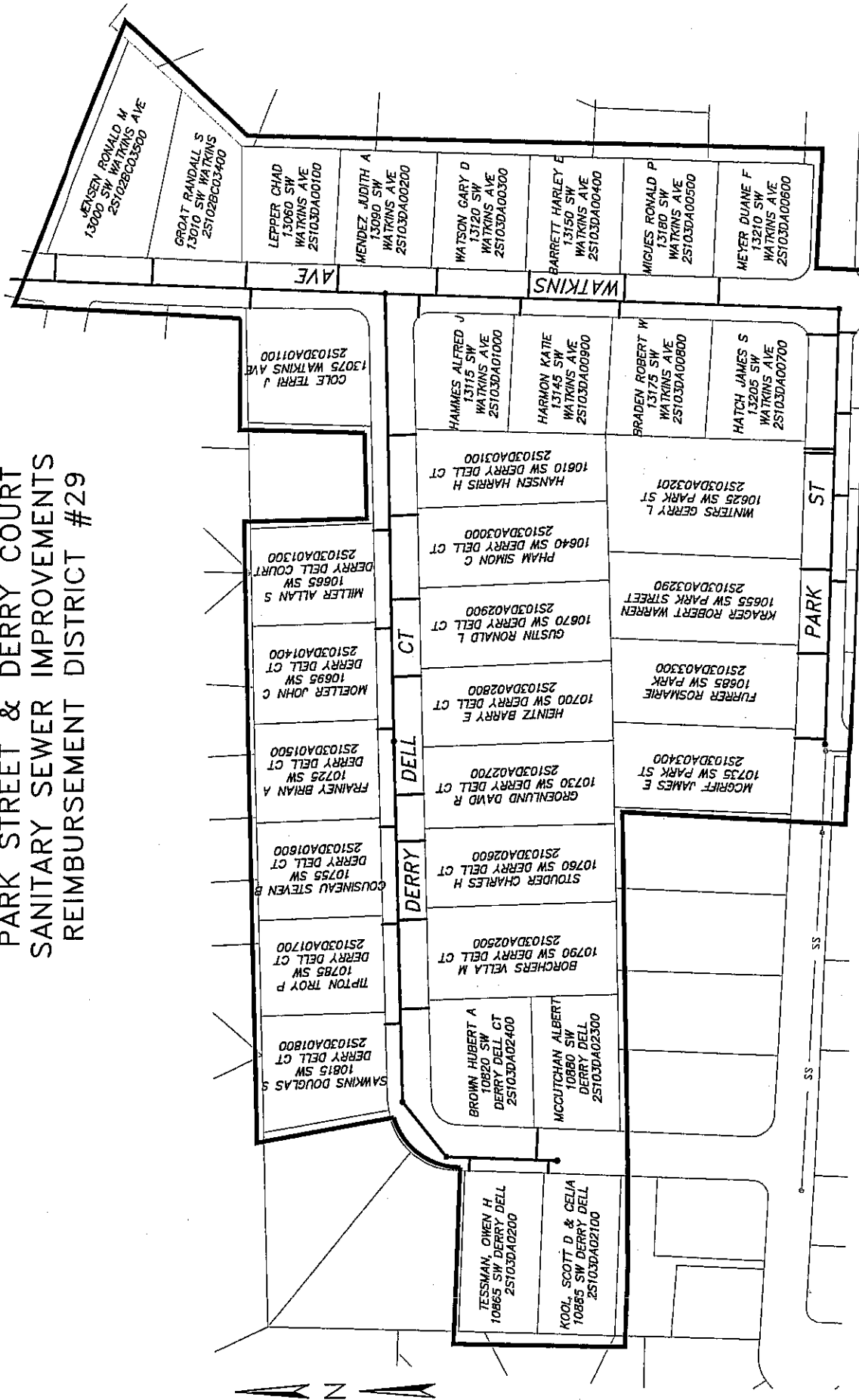
INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29 (SW Park, Derry Dell Court and Watkins Avenue). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 29 formed to install sewers in SW Park, Derry Dell Court and Watkins Avenue.

Each property owner's recommended fair share of the public sewer line is \$1.0219 per square foot of the lot served as shown on the enclosed. For owners with a fair share amount of \$15,000 or less, the owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01- 46.

For owners with fair share amounts over \$15,000, the owners' fair share would be limited to this \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed. Please call Greg Berry of the Engineering Department 503-718-2468 if you have questions.

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



See Exhibit B (pg 2)

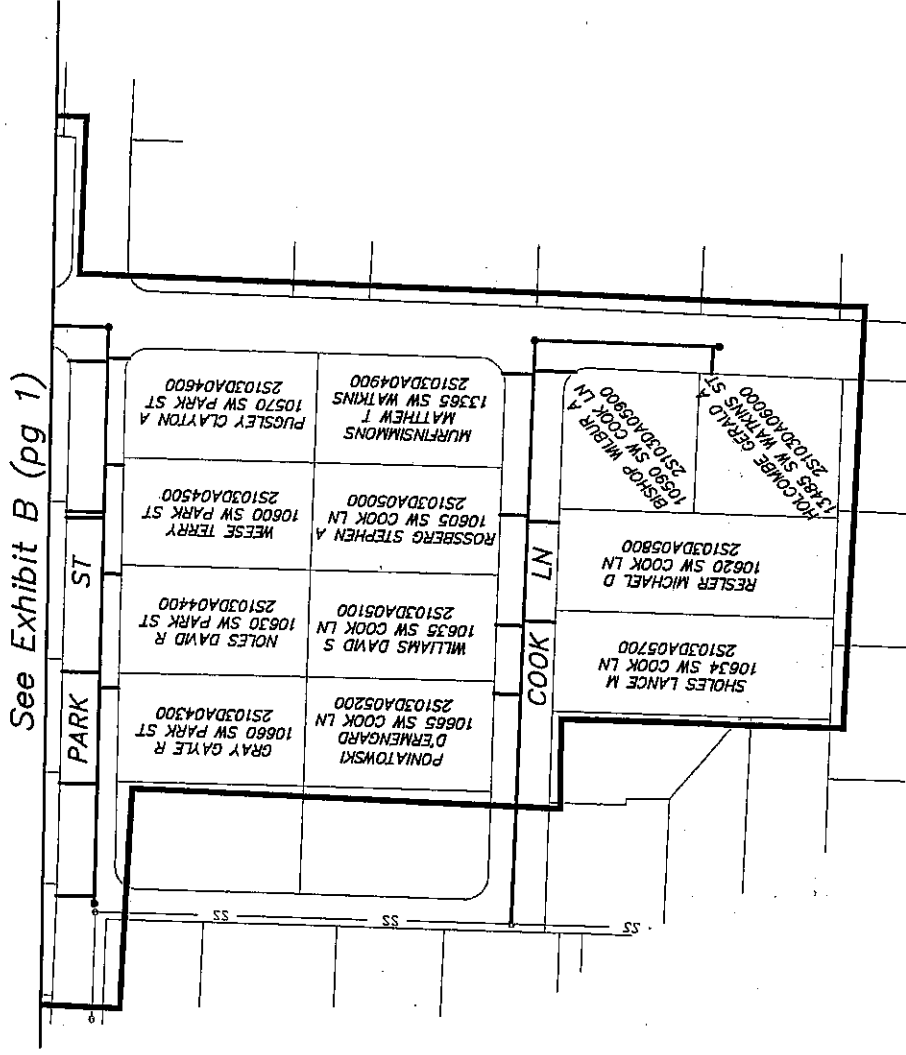
NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 1)

NTS

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 2)

NTS

Cost to Property Owners Based on Final Construction Cost

				FINAL COST		
	OWNER	SITE ADDRESS	AREA (S.F.)	TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY
1	DUCAN JAN & BARRETT TIM	13150 SW WATKINS AVE	13926.64909	\$14,232	\$6,000	\$8,232
2	BISHOP WILBUR A AND MARTHA E	10590 SW COOK LN	14646.50836	\$14,967	\$6,000	\$8,967
3	BORCHERS VELLA M	10790 SW DERRY DELL	22358.89852	\$22,849	\$13,849	\$9,000
4	BRADEN ROBERT W & KATHLEEN J	13175 SW WATKINS AVE	14429.44431	\$14,746	\$6,000	\$8,746
5	BROWN HUBERT A	10820 SW DERRY DELL	16724.83997	\$17,091	\$8,091	\$9,000
6	COLE TERRI J	13075 SW WATKINS AVE	18126.07349	\$18,523	\$9,523	\$9,000
7	COUSINEAU STEVEN B &	10755 SW DERRY DELL	15367.02424	\$15,704	\$6,704	\$9,000
8	FRAINEY BRIAN A & ABIGAIL J	10725 SW DERRY DELL	15366.98757	\$15,704	\$6,704	\$9,000
9	FURRER ROSMARIE	10685 SW PARK ST	19762.54608	\$20,196	\$11,196	\$9,000
10	GRAY GAYLE R	10660 SW PARK ST	14573.06828	\$14,892	\$6,000	\$8,892
11	GROAT RANDALL S & CAROLYN J	13010 SW WATKINS	15404.02471	\$15,742	\$6,742	\$9,000
12	GROENLUND DAVID R AND	10730 SW DERRY DELL	19533.50173	\$19,961	\$10,961	\$9,000
13	GUSTIN RONALD L & TAMMY G	10670 SW DERRY DELL	19537.91667	\$19,966	\$10,966	\$9,000
14	HAMMES ALFRED J HELEN L	13115 SW WATKINS AVE	14471.49969	\$14,789	\$6,000	\$8,789
15	HANSEN HARRIS H SARA J	10610 SW DERRY DELL	17986.1348	\$18,380	\$9,380	\$9,000
16	HARMON KATIE	13145 SW WATKINS AVE	14429.56599	\$14,746	\$6,000	\$8,746
17	HATCH JAMES S/MARCIEL J &	13205 SW WATKINS ST	14347.22665	\$14,662	\$6,000	\$8,662
18	HEINTZ BARRY E	10700 SW DERRY DELL	19537.74845	\$19,966	\$10,966	\$9,000
19	HOLCOMBE GERALD A &	13485 SW WATKINS ST	14726.18773	\$15,049	\$6,049	\$9,000
20	JENSEN RONALD M &	13000 SW WATKINS	20738.95548	\$21,193	\$12,193	\$9,000
21	KOOL SCOTT D & CELIA C	10885 SW DERRY DELL	16201.93421	\$16,557	\$7,557	\$9,000
22	KRAGER ROBERT WARREN	10655 SW PARK ST	20861.07951	\$21,318	\$12,318	\$9,000
23	LEPPER CHAD & MI YOUNG	13060 SW WATKINS ST	14195.40658	\$14,506	\$6,000	\$8,506
24	MCCUTCHAN ALBERT	10880 SW DERRY DELL	15118.21956	\$15,449	\$6,449	\$9,000
25	MCGRIFF JAMES E/SHEILA M	10735 SW PARK ST	19211.32816	\$19,632	\$10,632	\$9,000
26	MENDEZ JUDITH A	13090 SW WATKINS AVE	13905.98901	\$14,211	\$6,000	\$8,211
27	MEYER DUANE FRANCIS	13210 SW WATKINS ST	13934.27425	\$14,240	\$6,000	\$8,240
28	MIGUES RONALD P & DEBORAH R	13180 SW WATKINS AVE	13936.73103	\$14,242	\$6,000	\$8,242
29	MILLER ALLAN S DOREEN J	10665 SW DERRY DELL	15365.72783	\$15,702	\$6,702	\$9,000
30	MOELLER JOHN C & NANCY A	10695 SW DERRY DELL	15366.9509	\$15,704	\$6,704	\$9,000
31	MURFINSIMMONS MATTHEW T &	13365 SW WATKINS ST	14375.98869	\$14,691	\$6,000	\$8,691
32	NOLES DAVID R AND	10630 SW PARK ST	14667.82779	\$14,989	\$6,000	\$8,989
33	PHAM SIMON C & REBECCA T	10640 SW DERRY DELL	19538.24056	\$19,966	\$10,966	\$9,000
34	PONIATOWSKI-D'ERMENGARD	10665 SW COOK LANE	14468.20714	\$14,785	\$6,000	\$8,785
35	PUGSLEY CLAYTON A &	10570 SW PARK ST	14778.43789	\$15,102	\$6,102	\$9,000
36	RESLER MICHAEL D & BARBARA S	10620 SW COOK LANE	19574.84873	\$20,004	\$11,004	\$9,000
37	PATINO CARLOS SR & BLANCA	10605 SW COOK LN	14465.75477	\$14,783	\$6,000	\$8,783
38	SAWKINS DOUGLAS S &	10815 SW DERRY DELL	16763.55464	\$17,131	\$8,131	\$9,000
39	SHOLES LANCE M &	10634 SW COOK LN	19572.73686	\$20,002	\$11,002	\$9,000
40	STOUDER CHARLES H TR &	10760 SW DERRY DELL	19537.0636	\$19,965	\$10,965	\$9,000
41	TESSMAN OWEN H	10865 SW DERRY DELL	16199.23647	\$16,554	\$7,554	\$9,000
42	TIPTON TROY P & MICHELLE J	10785 SW DERRY DELL	15367.06091	\$15,704	\$6,704	\$9,000
43	WATSON GARY D &	13120 SW WATKINS AVE	13916.56716	\$14,221	\$6,000	\$8,221
44	WEESE TERRY & DORI	10600 SW PARK ST	14764.34445	\$15,088	\$6,088	\$9,000
45	WILLIAMS DAVID S	10635 SW COOK CT	14467.42728	\$14,784	\$6,000	\$8,784
46	WINTERS GERRY L	10625 SW PARK ST	29375.61232	\$30,019	\$21,019	\$9,000
Totals			765925.35	\$782,706.24	\$375,221	\$407,486
						\$375,221
PROJECT TOTAL=						\$782,706

Reimbursement District No. 29

Cost to Property Owners Based on Final Project Cost

Summary

Final Construction Cost	\$689,609.02
13.5% contingency (Admin & Eng)	\$93,097.22
total project costs	\$782,706.24
total area to be served (S.F.)	765,925.35
total cost per S.F. to property owner	\$1.0219

2S103DA-05900
BISHOP WILBUR A AND MARTHA E
PO BOX 23832
TIGARD, OR 97281

2S102BC-03400
GROAT RANDALL S & CAROLYN J
13010 SW WATKINS
TIGARD, OR 97223

2S103DA-02500
BORCHERS VELLA M
10790 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-02700
GROENLUND DAVID R AND
CONSTANCE J M
10730 SW DERRY DELL
TIGARD, OR 97223

2S103DA-00800
BRADEN ROBERT W & KATHLEEN J
13175 SW WATKINS
TIGARD, OR 97223

2S103DA-02900
GUSTIN RONALD L & TAMMY G
10670 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-02400
BROWN HUBERT A
10820 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-01000
HAMMES ALFRED J HELEN L
13115 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-01100
COLE TERRI J
13075 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-03100
HANSEN HARRIS H SARA J
10610 SW DERRY DELL
TIGARD, OR 97223

2S103DA-01600
COUSINEAU STEVEN B &
COUSINEAU JESSICA L
10755 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-00900
HARMON KATIE
13145 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-00400
DUNCAN JAN &
BARRETT TIM
14455 SW BEEF BEND RD #15
TIGARD, OR 97224

2S103DA-00700
HATCH JAMES S/MARCIEL J &
HATCH KEVIN SCOTT TRUSTEES
13205 SW WATKINS
TIGARD, OR 97223

2S103DA-01500
FRAINEY BRIAN A & ABIGAIL J
10725 SW DERRY DELL CT
TIGARD, OR 97223

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HEINTZ BARRY E
TAMARA R
10700 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-03300
FURRER ROSMARIE
10685 SW PARK
TIGARD, OR 97223

2S103DA-06000
HOLCOMBE GERALD A &
BELINDA M
13485 SW WATKINS ST
TIGARD, OR 97223

2S103DA-04300
GRAY GAYLE R
10660 SW PARK ST
TIGARD, OR 97223

2S102BC-03500
JENSEN RONALD M &
JENSEN ERI K
13000 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-02100

KOOL SCOTT D & CELIA C
10885 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-03290

KRAGER ROBERT WARREN
10655 SW PARK STREET
TIGARD, OR 97223

2S103DA-00100

LEPPER CHAD & MI YOUNG
13060 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-02300

MCCUTCHAN ALBERT
10880 SW DERRY DELL
TIGARD, OR 97223

2S103DA-03400

MCGRIFF JAMES E/SHEILA M
10735 SW PARK ST
TIGARD, OR 97223

2S103DA-00200

MENDEZ JUDITH A
13090 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-00600

MEYER DUANE FRANCIS
ANNIE ELIZABETH
13210 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-00500

MIGUES RONALD P & DEBORAH R
13180 SW WATKINS AVE
PORTLAND, OR 97223

2S103DA-01300

MILLER ALLAN S DOREEN J
10665 SW DERRY DELL COURT
TIGARD, OR 97223

2S103DA-01400

MOELLER JOHN C & NANCY A
10695 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-04900

MURFINSIMMONS MATTHEW T &
MICAHLE
13365 SW WATKINS
TIGARD, OR 97223

2S103DA-04400

NOLES DAVID R AND
MARGARET L
10630 SW PARK ST
TIGARD, OR 97223

2S103DA-05000

PATINO CARLOS SR & BLANCA
10605 SW COOK LN
TIGARD, OR 97223

2S103DA-03000

PHAM SIMON C & REBECCA T
10640 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-05200

PONIATOWSKI-D'ERMENGARD
MARIE LORRAINE
10665 SW COOK LN
TIGARD, OR 97223

2S103DA-04600

PUGSLEY CLAYTON A &
FREEMAN-PUGSLEY CAMIE
10570 SW PARK ST
TIGARD, OR 97223

2S103DA-05800

RESLER MICHAEL D & BARBARA S
10620 SW COOK LN
TIGARD, OR 97223

2S103DA-01800

SAWKINS DOUGLAS S &
CAROLYN M
10815 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-05700

SHOLES LANCE M &
ALFANO KRISTEN A
10634 SW COOK LN
TIGARD, OR 97223

2S103DA-02600

STOUDER CHARLES H TR &
SUSAN K
10760 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-02000

TESSMAN OWEN H

10865 SW DERRY DELL CT

TIGARD, OR 97223

2S103DA-01700

TIPTON TROY P & MICHELLE J

10785 SW DERRY DELL CT

TIGARD, OR 97223

2S103DA-00300

WATSON GARY D &

KEENER SANDRA S

13120 SW WATKINS AVE

TIGARD, OR 97223

2S103DA-04500

WEESE TERRY & DORI

10600 SW PARK ST

TIGARD, OR 97223

2S103DA-05100

WILLIAMS DAVID S

10635 SW COOK LN

TIGARD, OR 97223

2S103DA-03201

WINTERS GERRY L

PO BOX 1627

SHERWOOD, OR 97140

Communications Plan

SW Park Street, Derry Dell Court Sanitary Sewer Reimbursement District No. 29

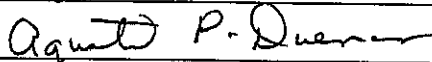
Goal: Provide sanitary sewer service to all owners within the proposed reimbursement district.

Timeline: FY 03-04 Construction Season.

Communication Goal: To communicate to property owners within the Sanitary Sewer Reimbursement District the estimated cost of connecting to the public sanitary sewer line, the construction schedule, and final cost for the Reimbursement District.

Date	Item	Description	Responsibility
5/20/03	Advertisement	Submit Request for Bids to <i>Daily Journal of Commerce</i> and <i>Tigard Times</i>	Engr. Manager
6/3/03	Bid Opening	Public bid opening.	Engr. Manager
6/17/03	Neighborhood Meeting Notice	Mail Meeting Notice to property owners within the proposed reimbursement district	Engr. Manager
7/9/03	Neighborhood Meeting	Meet with property owners to review estimated costs and projects schedule	Engr. Manager
8/13/03	Hearing Notice	Mail Notice of Hearing for the formation of the reimbursement district to owners	Project Engr.
8/26/03	Formation Hearing	City Council considers formation of the proposed sanitary sewer district	Project Engr.
9/9/03	Award Contract	Local Contract Review Board considers awarding the contract for construction	Engr. Manager
8/28/03	Notice of Decision for the formation of the district	Mail Notice of Decision to property owners within the district	Project Engr.
9/17/03	Pre-Construction Meeting	Meeting with the contractor to review requirements of the project	Engr. Tech
9/17/03	Notice to Proceed	Direct contractor to begin work.	Engr. Manager
9/17/03	Traffic Control Plan	Signs were placed and doorhanger notices were distributed as construction progressed.	Engr. Tech
During construction	Lateral Locations	Confirm with property owners location of laterals	Engr. Tech
2 days before construction	Construction Notice	Hang Construction Notice on doorknobs of property owners impacted by project	Engr. Tech
As required	Construction Inspection	Inspector is available to receive and respond to complaints	Engr. Tech
6/7/04	Notice to owners of hearing to finalize district	Mail hearing notice, proposed resolution, and final cost to each owner.	Project Engr.
6/24/04	Notice of approval of the resolution to finalize the district	Mail approved resolution to each property owner along with notice that the sewer is available for connection	Project Engr.

Prepared by: Greg N. Berry 6/7/04

Approved by:  P. Berry

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

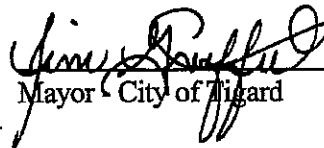
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

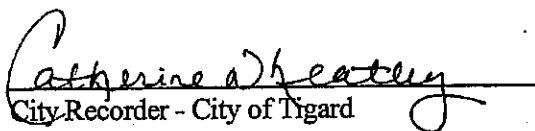
EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.



Mayor City of Tigard

ATTEST:



City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN STAWYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Throo years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55

A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 – 46).

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

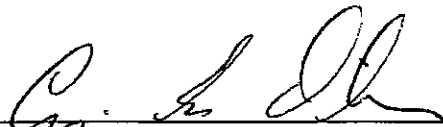
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

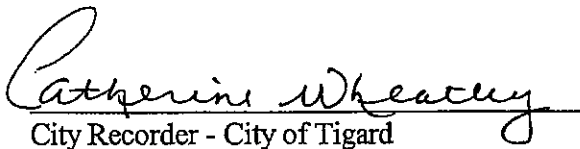
SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.



~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:



Catherine Wheately
City Recorder - City of Tigard

\\heng\greg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive Public Comment and Consider a Resolution Acknowledging the Bull Mountain White Papers

PREPARED BY: Jim Hendryx

DEPT HEAD OK for JWH

CITY MGR OK WJA

ISSUE BEFORE THE COUNCIL

Receive public comment on the Bull Mountain White Papers submitted by the Parks and Open Space, Planning, Police, and Streets subcommittees. Consider a resolution acknowledging the Bull Mountain White Papers.

STAFF RECOMMENDATION

Receive public comment and acknowledge by resolution the Bull Mountain White Papers from the Parks and Open Space, Planning, Police, and Streets subcommittees.

INFORMATION SUMMARY

On December 16, 2003 Council voted to take no action on the Bull Mountain Annexation Plan as proposed, with the intent of placing it on a November, 2004 ballot. On January 27, 2004, Council voted to establish various subcommittees to provide additional time for public discussion and understanding of key impacts, including costs and benefits of annexation. The four subcommittees appointed included Parks and Open Space, Planning, Police, and Streets. The subcommittees were made up of equal numbers of representatives from unincorporated Bull Mountain and City residents appointed by Council. Staff from the County and City assisted the subcommittees.

The subcommittees were charged with producing a White Paper of recommendations on their assigned issue by the end of May, 2004. The subcommittees completed their task on time after meeting individually over the previous three months. The White Papers have been posted on the City's Web Page. Subcommittee representatives presented their White Papers to Council at the June 15th meeting.

The next step in the process is to receive public comment and consider a resolution acknowledging the White Papers. Council has the option to take action on the resolution at the conclusion of public comments on the 22nd, or if there is extensive testimony, Council can continue the matter to June 23rd and 24th.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life, Goal #1, Communication – Citizen involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information in a variety of formats, providing opportunities for community input on community issues and establishing and maintaining a program of effective two-way communications.

Growth and Growth Management Goal #2, Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

Attachment 1: A Resolution of the City Council of the City of Tigard Acknowledging the White Papers Related to the Provision of Urban Services in the Bull Mountain Area.

- Exhibit A: Bull Mountain Annexation White Paper on Parks and Open Spaces
- Exhibit B: Bull Mountain Annexation White Paper on Planning
- Exhibit C: Bull Mountain Annexation Police Services Subcommittee White Paper
- Exhibit D: Bull Mountain Annexation Streets Subcommittee White Paper

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD
ACKNOWLEDGING THE WHITE PAPERS RELATED TO THE PROVISION OF URBAN
SERVICES IN THE BULL MOUNTAIN AREA.

WHEREAS, a proposed annexation plan for the Bull Mountain area was previously presented to the City Council; and

WHEREAS, the Council decided to seek more information before making its decision on the proposed annexation plan; and

WHEREAS, Citizens, both of the City and the area proposed to be annexed, have worked together to produce White Papers discussing the provision of urban services; and

WHEREAS, the White Papers (Exhibits A, B, C, and D) are intended to provide information and recommendations to the Council.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council acknowledges and appreciates the efforts of citizen volunteers in developing the White Papers. The Council recognizes and appreciates the time spent the White Papers by both staff and citizens.

SECTION 2: The Council accepts the White Papers (Exhibits A, B, C, and D) as providing information that will assist the Council.

SECTION 3: The Council notes that the White Papers provide information that will assist the public in evaluating issues and participating in public City processes.

SECTION 4: The City Council is not acting on any of the recommendations in the White Papers at this time. Any actions or decisions will occur in future decisions by the Council relating to the proposed annexation. The Council is not making any decision at this time.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 04 -

Page 1

Bull Mountain Annexation White Paper on Parks and Open Spaces

The purpose of Bull Mountain Subcommittees is to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan. The objectives of the task forces are:

- Develop an approach for transition of key urban services that occurs through annexation
- Provide additional review for public involvement and discussion
- Develop a strategy for implementation of the Annexation Plan, e.g. funding, planning, etc.

Section One - Summary of public involvement and discussion

- **Task Force membership:**
Carl Switzer, Jerry Hanford, Julie Russell, Mike Freudenthal, Kathy Najdek, & staff: Dennis Koellermeier - Acting Public Works Director, Dan Plaza - Parks Manager, and Chris Wayland - Washington County Support Services (could not attend meetings)
- **Meeting dates:** March 1, March 10, March 19, April 14, April 28
- **Summary of issues raised:**
 1. What financial alternatives are there to secure parks on Bull Mountain? (see attachment #1)
 2. What is the availability of SDC funding during the first five-years after the date of annexation? (see attachment #1)
 3. What impact does the Tualatin Basin's Goal 5 process have on Bull Mountain?
 4. Can a viable Parks Concept Plan be developed after all the residential development that has taken place on Bull Mountain? (see attachment #1)
 5. Can SDC revenue, generated on Bull Mountain during the first 5-years after annexation, be dedicated to securing parks on Bull Mountain?
 6. Can a Moratorium, or Public Facilities Strategy to temporarily stop development until SDCs be imposed? (see attachment #5)
 7. What park property does the City currently own on Bull Mountain? (see attachment #2) Are there potential park sites of one-acre or more on Bull Mountain or surrounding area (UGB area or beyond) available for neighborhood and/or community parks? (see attachment #3)

Section Two - Summary of key impacts of annexation on Bull Mountain residents and Tigard residents:

With or without annexation, the number of people using existing and proposed parks in the City of Tigard area will continue to grow. With annexation, and the implementation of the Bull Mountain Parks Concept Plan, 45-acres of park land could be developed. Without annexation, the need for park land will continue to grow and will only be able to be solved by current City of Tigard residents paying for growth related development. The City of Tigard's Park System Master Plan identifies a standard of 11-acres of park space per 1,000 residents. The City of Tigard currently has 7.8 acres of parks space per 1,000 residents. Bull Mountain currently has 1.8 acres per thousand residents. The ratio of park space acreage to residents will continue to decrease as the population increases and the amount of park space stays the same (see Table 2.1). To rectify this situation the Task Force has developed a Parks Concept Plan (see attachment #1) for the Bull Mountain area. Funding, planning, and timing are discussed in Section Four of this White Paper. If annexation does not occur, an estimated \$2M in potential SDC fees would not be collected over the next 5-years which, if collected, would enable the City to begin implementation of the Parks Concept Plan. The Task Force recommends that SDCs collected on Bull Mountain be spent on Bull Mountain projects. It should be noted that the City has already promised, in the annexation handouts, to use Bull Mountain SDCs on Bull Mountain. The subsequent impact of earmarking SDCs generated on Bull Mountain to Bull Mountain projects could possibly be a slowdown in the completion of park projects scheduled to be constructed within the current City of Tigard (e.g., Jack Park, Northview Park, Summerlake Park).

- **Summary of costs:** \$9-11M (see attachment #1)
- **Summary of benefits:** The Bull Mountain Parks Concept Plan, if and when approved and carried out, will provide not only the current City of Tigard residents, but also the Bull Mountain area residents with the following:
 1. 2+ miles of trails where possible and approved by BPA/PGE, with several "nodal" park sites (see attachments 8, 9, 10), not under BPA/PGE powerlines, but adjacent to the powerlines, totalling approximately 2.5-acres, possibly containing features such as playgrounds, picnic shelters, benches, basketball courts, exercise stations, drinking fountains, rock climbing equipment, wall ball structure, etc.,
 2. A trail system will be installed at the existing 12-acre Cach Creek Nature Park,
 3. Possibly 2 to 3 neighborhood parks each totalling 2- to 3-acres (see attachment 7)
 4. One 20+ acre community/regional park (possibly located in the UGB or beyond).

TABLE 2.1 – NUMBER OF PARK ACRES TO 1,000 POPULATION

	Population	Number of Acres	Ratio of Acres to 1,000 Population
Current City	45,130	351	7.8
City at build-out	54,850	400	7.3
Bull Mtn. current	7,622	14	1.4
Bull Mtn. at build-out	9,850	49	5.0

Section Three - Transition of services

- **Options considered:** N/A - Washington County does not provide park and recreation services to the unincorporated Bull Mountain area nor do they charge a parks SDC. It should be noted that since the City of Tigard and Washington County entered into an IGA to provide urban services in the Bull Mountain area, over \$1,000,000 in potential park SDCs have been lost because the County does not charge a parks SDC.
- **Evaluation criteria:** See Section 4 - Implementation of the Annexation Plan
- **Recommended approach:** See Section 4 - Timing

Section Four - Implementation of the Annexation Plan

- **Recommended strategy for implementation:** The Task Force created the Bull Mountain Parks Concept Plan. Upon annexation the following updates should be completed: Bull Mountain Parks Concept Plan, and the Park System Master Plan, along with the City's Comprehensive Plan.
 - **Funding:** Current projected revenues to be collected on Bull Mountain, if annexed, over the next 5-years are approximately \$2M (see attachment #1). The Bull Mountain Parks Concept Plan projects that land acquisition and park development costs range from \$9M to \$11M. Obviously, projects exceed the amount of available revenue needed to secure adequate parks. One solution is for the City to seek grants to acquire and develop park property. Further, as with Cook Park, a State of Oregon loan can be sought to "jump start" land acquisition and park development on Bull Mountain. It should be noted however, that SDC revenues, along with grants and loans will not totally fund the Bull Mountain Parks Concept Plan. Additional revenues, derived from bond measures and/or tax levies, will need to be considered. If not, it may be necessary to delay and/or cut projects until adequate revenues are found.

- **Planning:** The Task Force created the Bull Mountain Parks Concept Plan. Upon annexation, it is recommended that the Park System Master Plan should be updated within one-year (this would incorporate the Bull Mountain Parks Concept Plan into the Park System Master Plan). Subsequently, update the City's Comprehensive Plan. Julia Hajduk, an Associate Planner for the City of Tigard, discussed the Tualatin Basin's Goal 5 process with the Task Force. Currently, there are open space and natural area resources on Bull Mountain that are being recommended to be classified as strictly limited and/or moderately limited for development. In other words, there are open space and natural areas on Bull Mountain that can be the focus of protection efforts and may be able to be protected by the program that is developed to implement Goal 5.
- **Timing:** Year One's Theme is, "Get Pertinent Plans In Order"
 1. Update the following: SDC Methodology, Park System Master Plan, Bull Mountain Parks Concept Plan, City Comprehensive Plan;
 2. Conduct neighborhood meetings to discuss and finalize plans;
 3. Arrange for trail easements, where possible, with BPA/PGE; and,
 4. Perhaps purchase property early-on to take advantage of availability and cost.

RECOMMENDATIONS:


- 1) The City Council should accept and adopt this "white paper" as developed by the Bull Mountain Parks and Open Spaces Task Force.
- 2) The Task Force recognizes that the park acres to population ratio in the Bull Mountain study area is substantially below the existing ratio in the City of Tigard. Because of that, the Task Force recommends that future park SDCs, generated by construction in the Bull Mountain study area, be dedicated to the purchase and development of park lands located in, or near, the study area. It should be noted that it may be wise to purchase property early-on, in years one, two or three, to take advantage of availability and cost. The Task Force also recommends and encourages the City to work closely with METRO to ensure that open spaces and park land are acquired and developed on Bull Mountain.

3) Within one-year of annexation, the city should conduct a public process to review and update the attached Bull Mountain Parks Concept Plan and incorporate it into the Park System Master Plan.

4) Further explore the moratorium/Public Facilities Strategy methodologies.

5) The Task Force highly recommends that the County immediately begin collecting SDCs.

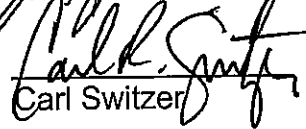
BULL MOUNTAIN PARKS AND OPEN SPACE TASK FORCE



Michael Freudenthal

 (did not come in to sign)
Jerry Hanford

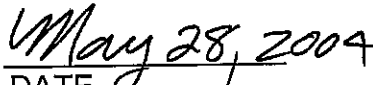
Kathleen Najdek


Julie Russell


Carl Switzer


Dennis Koellermeier


Dan Plaza


DATE

Attachments:

1. Bull Mountain Park Concept Plan & 5-year CIP Rev/Exp Projections
2. Publicly/Utility Owned Land on Bull Mountain
3. Privately Owned Land on Bull Mountain
4. Potential BPA Powerline Trail Segments
5. Public Facilities Strategy and Moratorium Memo dtd. 4/8/04
6. Bull Mountain Proposed Park Concept Plan Map
7. Landscape Architect Illustrative Park Plan for 2 or 3-Acre Site
- 8, 9, 10. Artist Sketches of "Nodal" Park Concepts

ATTACHMENT 1

Bull Mountain Parks Concept Plan 5-Year CIP Revenue/Expenditure Projection

Revenues	FY 2004-'05	FY 2005-'06	FY 2006-'07	FY 2007-'08	FY 2008-'09	Total
Permits (SDCs)	270	275	262	254	242	1,303
Revenue	\$412,750	\$420,643	\$400,458	\$388,166	\$369,728	\$1,991,745
+ grants (est.)	50,000	50,000	50,000	50,000	\$945,000	\$1,145,000 +or -
+ possible loans						
TOTAL	\$462,750	\$470,643	\$450,458	\$438,166	\$1,314,728	\$3,136,745 +or -

Expenditures Projects To Be Determined (TBD) During Update of Bull Mountain Parks Concept Plan and Park System Master Plan. When this plan is completed it will require an additional Parks Maintenance FTE.

PARKS & FACILITIES CIP PROJECTS (prioritization TBD)

- 1) BPA Hard Surface Asphalt Trail (10K feet/8' wide) \$1,050,000
 Beef Bend Road to Barrows Road. This project will be very challenging as the terrain varies greatly and there are existing easements that would have to be dealt with. A possible \$945K in MTIP funds may be available in FY '08-'09. \$105K is SDCs for design and engineering. Construction estimate made by City of Tigard.
- 2) BPA Contiguous Small "Nodal" Parks (see attachment)
 - Acquisition 2.5 acres @ \$300K per acre \$750,000
 - Development @ \$150K per acre \$375,000
- 3) Potential Playground at Alberta Rider School \$60,000
- 4) Potential Menlor Water Reservoir Site
 - Acquisition 1.5 acres \$450,000
 - Development \$225,000
- 5) Potential Property North of Alberta Rider School
 - Acquisition 2 acres (possibly 3) \$600,000
 - Development \$300,000
- 6) Develop Cach Creek Nature Park (per PSMP) \$640,000
- 7) Link up to THPRD Progress Ridge Park TBD
SUB-TOTAL \$4,000,000
- 8) Property in UGB or Beyond - 20 acres
 - Acquisition @ \$100,000 per acre \$2,000,000*
 - Acquisition @ \$200,000 per acre \$4,000,000**
 - Development \$3,000,000
TOTAL \$9,000,000* to \$11,000,000**

ATTACHMENT 2

PUBLICLY/UTILITY OWNED LAND (estimated)

<u>Organization</u>	<u>Acres</u>
City of Tigard	13.90 (12-acre Nature Park & water reservoirs)
TTSD	10.71 (building Alberta Rider School on this site)
CWS/TWD	22.69 (13 sites under 1-acre)
PGE	3.01 (linear under power lines)
<u>BPA</u>	<u>14.7 (linear under power lines)</u>
<u>TOTAL</u>	<u>65.01</u>

ID	TAXLOT ID	ACRES	OWNER	OWNER ADDRESS	CITY	STATE	ZIPCODE
1	2S1040001500	16.96	TIGARD, CITY OF	13125 SW HALL	TIGARD	OR	97223
2	2S104BB07100	3.56			PORTLAND	OR	97229
3	2S104BC01000	1.89	PORTLAND GENERAL ELECTRIC		PORTLAND	OR	97204
4	2S104CB07200	0.29					00000
5	2S104CB07700	1.55		4248 GALEWOOD ST	LAKE OSWEGO	OR	97035
6	2S104CC02900	0.64		13995 SW HILLSHIRE DR	PORTLAND	OR	97223
7	2S104CC03100	0.85		13998 SW HILLSHIRE DR	TIGARD	OR	97223
8	2S104CC06100	0.56		14464 SW MISTLETOE DR	TIGARD	OR	97224
9	2S105AD03100	1.35		PO BOX 1754	LAKE OSWEGO	OR	97035
10	2S105AD03300	0.64		PO BOX 1754	LAKE OSWEGO	OR	97035
11	2S105DA18000	1.30		4386 SW MACADAM AVE #102	PORTLAND	OR	97239
12	2S105DD02101	1.14		PO BOX 230943	TIGARD	OR	97281
13	2S105DD02200	2.00		13620 SW BEEF BEND RD SP 21	TIGARD	OR	97224
14	2S105DD07200	0.22		4386 SW MACADAM AVE #102	PORTLAND	OR	97239
15	2S108AA01700	1.17		PO BOX 981	SHERWOOD	OR	97140
16	2S109BB02901	3.01	PORTLAND GENERAL ELECTRIC	121 SW SALMON ST	PORTLAND	OR	97204
17	2S109BC04600	0.55		14400 SW BULL MOUNTAIN RD	TIGARD	OR	97224
18	2S109BC04602	0.64		14515 SW 144TH	TIGARD	OR	97224
19	2S109BC04700	0.71		14555 SW 144TH AVE	PORTLAND	OR	97224
20	2S109BC04800	0.70		14595 SW 144TH	TIGARD	OR	97224
21	2S109BC04900	0.70		14635 SW 144TH AVE	TIGARD	OR	97224
22	2S109BC05000	0.70		14675 SW 144TH ST	TIGARD	OR	97223
23	2S109BC05100	0.70		14715 SW 144TH	TIGARD	OR	97224
24	2S109BC05200	0.70		14755 SW 144TH	TIGARD	OR	97224
25	2S109BC05300	0.69		14795 SW 144TH	TIGARD	OR	97223
26	2S109BC05400	0.96		14855 SW 144TH	TIGARD	OR	97224
27	2S109BC05600	0.71		14880 SW 144TH	TIGARD	OR	97223
28	2S109BC07000	8.93	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
29	2S109BC07000	0.43	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
30	2S109BC07000	3.60	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
31	2S109BC07000	2.63	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
32	2S109BC07000	3.59	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
33	2S109BC07000	0.88	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
34	2S109CB00200	2.98		14950 SW 144TH AVE	PORTLAND	OR	97224
35	2S109CB02900	3.88	BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
36	2S109CB03000	0.74		14880 SW 144TH	TIGARD	OR	97223

NOTE: This information reflects the conditions on March 4th 2004

37	2S109CB03100	1.42	14860 SW 144TH AVE	TIGARD	OR	97224
38	2S109CB03200	3.74	14840 SW 144TH	TIGARD	OR	97224
39	2S109CB16200	0.43	4230 GALEWOOD	LAKE OSWEGO	OR	97035
40	2S109CB16300	2.09	4230 GALEWOOD	LAKE OSWEGO	OR	97035
41	2S109CD02900	0.96	15734 SE 44TH PL	BELLEVUE	WA	98006
42	2S109CD03100	1.23	4380 SW MACADAM, SUITE 380	PORTLAND	OR	97239
43	2S109CD03200	1.71	4380 SW MACADAM, SUITE 380	PORTLAND	OR	97239
44	2S109CD10100	0.76	9375 SW COMMERCE CIR #7	WILSONVILLE	OR	97070
45	2S116B000102	29.81	9500 SW BARBUR BLVD #220	PORTLAND	OR	97219

NOTE: This information reflects the conditions on March 4th 2004

ATTACHMENT 4

POTENTIAL BPA POWERLINE TRAIL SEGMENTS

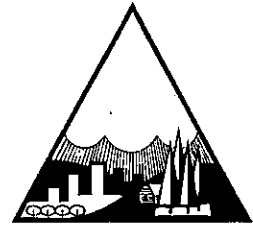
From North to South

- 1) Barrows to Birkshire = Go To Existing Northview Park
- 2) Mistletoe Dr. to Bull Mountain Road (#'s 6, 7, 8) .5 acre
- 3) Bull Mountain Road to 144 Avenue (#'s 17-26) 1 acre
- 4) 144 Avenue to Woodhue (#'s 36, 37) .5 acre
- 5) Woodhue to Beef Bend Road (#'s 39, 41) .5 acre

TOTAL ACRES 2.5 ACRES

ATTACHMENT 5

MEMORANDUM



TO: Dennis Koellermeier

FROM: Dan Plaza

RE: "Public Facilities Strategy" & "Moratoriums"

DATE: April 8, 2004

On March 10 the Bull Mountain Parks and Open Space Task Force raised a question as to "the City Council adopting a 'Public Facilities Strategy' (ala Wilsonville) that would freeze growth until the election could take place and SDC's would be collected". Staff was asked to research the matter and report back to the Task Force on April 14.

The "Public Facilities Strategy" and "Moratorium" processes are lengthy and complex. It is anticipated that the Task Force will recommend to the Council via the "white paper" how to proceed. The following information was collected on this matter:

The City of Wilsonville, Oregon, went through this process a few years ago and input was requested from them. The following was received on March 24.

"If you are aware of Oregon's moratorium laws regarding limiting development due to the lack of infrastructure, the "Public Facility Strategy" is the vehicle by which the needed infrastructure can be provided while suspending additional demands on the system. This suspension has a limitation of (2) years. Take our situation here In Wilsonville a few years back with our water supply. We placed a temporary limit on new building permits until we had the ability to supply additional water through the construction of the new treatment plant. This particular strategy was in place for about (2) years. We have used a similar strategy in providing transportation improvements. In fact, we will be employing a new one for transportation in the next few months."

Further information on this matter was requested from Barbara Shields, who commented as follows.

"This is my response to your question. This is not a legal opinion, just a general description of the issues. Moratoriums are complex processes and are controlled by a specific set of state statutes that must be strictly followed, as required by ORS 197.520. If needed, we can consider a legal opinion from our city attorney to clarify some the recent moratorium cases before you get back to the subcommittee."

"In general, the following factors need to be considered in the context of the Bull Mountain situation:

- 1. It has to be a sufficient reason for a moratorium. The involved local government must show "irrevocable public harm." In Wilsonville's case, they could demonstrate this by showing that they were out of water. The "irrevocable public harm" criterion would have to be applied to the Bull Mountain situation. Also, as indicated in the statute,*

regardless the "irrevocable public harm" criterion, the local government would have to develop a number of other legal findings, which are very specific and try to strike a balance between the needed housing and capacity of existing facilities, and a moratorium as a means to accomplish this balance.

- 2. Timeline to process a moratorium. The process requires a 45-day notice to the Department of Land Conservation and Development. It can be appealed to LUBA (Land Use Board of Appeals), which would further impact the timeline.*
- 3. Jurisdiction. The Board of Commissioners would have to act and follow the formalized state law process."*

This issue was discussed with the City Attorney, Gary Firestone, and he has concluded the following:

"As far as moratoria are concerned, "public facilities" is defined as those public facilities for which a public facilities plan is required by ORS 197.712, ORS 197.712 requires public facilities plans for sewer, water, and transportations, but not other services. Therefore, parks aren't "public facilities" for the purposes of the moratorium statute, and a moratorium cannot be declared because of an insufficiency of parks.

It is less clear whether a park is a public facility for the purposes of the public facilities statute. That statute (ORS 197.768) does not expressly state what constitutes a public facility. However, a public facilities strategy may justify a denial of permits for lack of public facilities under ORS 197.524. As used in ORS 197.524, "public facilities" is limited to streets, water, and sewer. It is possible that a court could conclude that a public facilities strategy cannot justify a denial unless the public facilities strategy is directed at water, sewer, or streets. It is also possible that LUBA or a court could find that a lack of parks is not a sufficient reason to deny or delay development."

In my conversation with the City Attorney we did conclude that if this strategy were to be applied:

- the County should do it in the unincorporated area
- it is a multi-month process to implement, at best
- we should anticipate considerable challenge to the approach, which would more than likely delay any implementation date to far past the proposed election date

We have also requested information on this issue from the Land Conservation and Development Commission (LCDC). When that material arrives, we will amend this memo if needed.

Attachments:

- ORS 197.520 – Manner of Declaring Moratorium
- ORS 197.768 – Public Facilities Strategy

MORATORIUM ON CONSTRUCTION OR LAND DEVELOPMENT

197.520 Manner of declaring moratorium. (1) No city, county or special district may adopt a moratorium on construction or land development unless it first:

(a) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium;

(b) Makes written findings justifying the need for the moratorium in the manner provided for in this section; and

(c) Holds a public hearing on the adoption of the moratorium and the findings which support the moratorium.

(2) For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. Such a demonstration shall be based upon reasonably available information, and shall include, but need not be limited to, findings:

(a) Showing the extent of need beyond the estimated capacity of existing public facilities expected to result from new land development, including identification of any public facilities currently operating beyond capacity, and the portion of such capacity already committed to development;

(b) That the moratorium is reasonably limited to those areas of the city, county or special district where a shortage of key public facilities would otherwise occur; and

(c) That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity.

(3) A moratorium not based on a shortage of public facilities under subsection (2) of this section may be justified only by a demonstration of compelling need. Such a demonstration shall be based upon reasonably available information and shall include, but need not be limited to, findings:

(a) For urban or urbanizable land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city, county or special district are not unreasonably restricted by the adoption of the moratorium;

(C) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(D) That the city, county or special district has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and

(E) That the city, county or special district proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

(b) For rural land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and

(D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

(4) No moratorium adopted under subsection (3)(a) of this section shall be effective for a period longer than 120 days, but such a moratorium may be extended provided the city, county or special district adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:

(a) Verify the problem giving rise to the need for a moratorium still exists;

(b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the moratorium; and

(c) Set a specific duration for the renewal of the moratorium. No extension may be for a period longer than six months.

(5) Any city, county or special district considering an extension of a moratorium shall give the department at least 14 days' notice of the time and date of the public hearing on the extension. [1980 c.2 §3; 1991 c.839 §3; 1995 c.463 §3]

ORS 197.768 Public Facilities Strategy

Relating to public facilities strategy; creating new provisions; and amending ORS 197.768, 221.035 and 454.655.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.768 is amended to read:

197.768. (1) As used in this section, "special district" has the meaning given that term in ORS 197.505.

[(1)] (2)(a) A local government or special district may adopt a public facilities strategy [as described in subsection (2) of this section. A public facilities strategy may be implemented if it] if the public facilities strategy:

[(a)(A)] (A)(i) Is acknowledged under ORS 197.251; or

[(B)] (ii) Is approved by the Land Conservation and Development Commission under ORS 197.628 to 197.650; and

[(b)] (B) Meets the requirements of [subsection (2) of] this section.

(b) If a special district seeks to implement a public facilities strategy, that special district is considered a local government for the purposes of ORS 197.251 and 197.628 to 197.650.

[(2)] (3) A local government or special district may adopt a public facilities strategy [adopted under subsection (1) of this section shall] only if the local government or special district:

[(a) Include a statement of purpose that limits the public facilities strategy to situations in which clear and objective standards demonstrate that:]

[(A) There is a rapid increase in land development in a specific geographical area; and]

[(B) The total land development would exceed the planned or existing capacity of public facilities;]

[(b) Include a detailed description of actions and practices a local government may engage in to control the time and sequence of development approvals in response to the identified deficiencies in public facilities; and]

[(c) Set forth the procedures, notice and findings that allow the local government to proceed under this section.]

(a) Makes written findings justifying the need for the public facilities strategy;

(b) Holds a public hearing on the adoption of a public facilities strategy and the findings that support the adoption of the public facilities strategy; and

(c) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing that is held to consider the adoption of the public facilities strategy.

(4) At a minimum, the findings under subsection (3) of this section must demonstrate that:

(a) There is a rapid increase in the rate or intensity of land development in a specific geographic area that was unanticipated at the time the original planning for that area was adopted or there has been a natural disaster or other catastrophic event in a specific geographic area;

(b) The total land development expected within the specific geographic area will exceed the planned or existing capacity of public facilities; and

(c) The public facilities strategy is structured to ensure that the necessary supply of housing and commercial and industrial facilities that will be impacted within the relevant geographic area is not unreasonably restricted by the adoption of the public facilities strategy.

(5) A public facilities strategy shall include a clear, objective and detailed description of actions and practices a local government or special district may engage in to control the time and sequence of development approvals in response to the identified deficiencies in public facilities.

(6) A public facilities strategy shall be effective for no more than 24 months after the date on which it is adopted, but may be extended, subject to subsection (7) of this section, provided the local government or special district adopting the public facilities strategy holds a public hearing on the proposed extension and adopts written findings that:

(a) Verify that the problem giving rise to the need for a public facilities strategy still exists;

(b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the need for a public facilities strategy; and

(c) Set a specific duration for the extension of the public facilities strategy.

(7)(a) A local government or special district considering an extension of a public facilities strategy shall give the department notice at least 14 days prior to the date of the public hearing on the extension.






(b) A single extension may not exceed one year, and a public facilities strategy may not be extended more than three times.

SECTION 2. The amendments to ORS 197.768 by section 1 of this 2001 Act apply to public facilities strategies adopted before, on or after the effective date of this 2001 Act.

Bull Mountain

Proposed Park Concept Plan

Legend

-  Nodal Recreation Areas (.25 to 1 acre)
(Playgrounds, Basketball Courts, Shelter, Landscape)
-  **POTENTIAL PARK**
2-3 Acre Neighborhood Parks
(Playgrounds, B-Ball Courts, Shelter, Landscape)
-  Bull Mountain Sub-Areas
-  63-64 UGB Expansion Sites
-  **POTENTIAL 20+ ACRE COMMUNITY PARK**
Potential Location of 20+ acre Community / Regional Park in UGB or beyond

ATTACHMENT 6



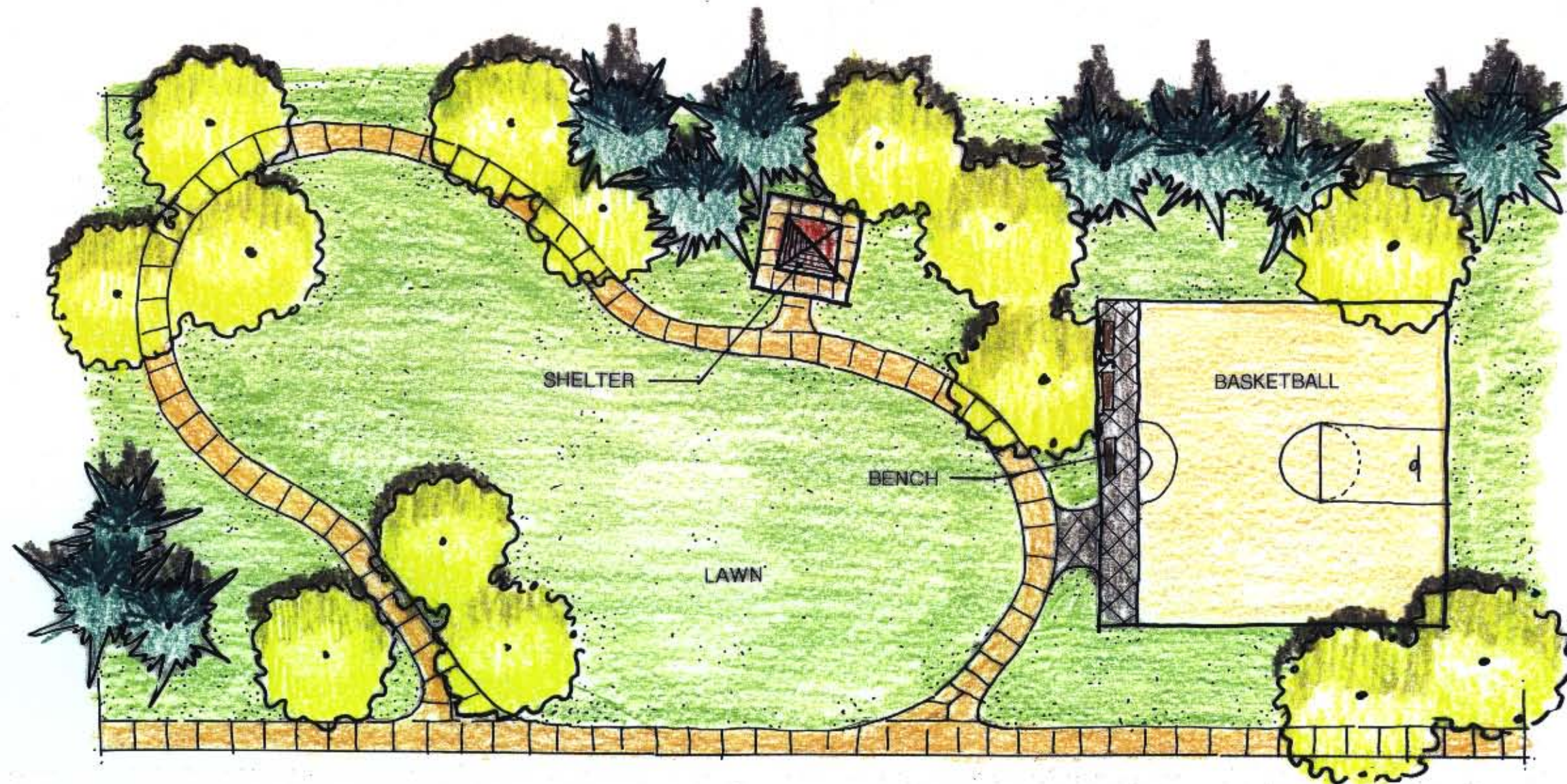
City of Tigard

640 320 0 640 Feet

ATTACHMENT 7
ILLUSTRATIVE PLAN FOR
2-3 ACRE NEIGHBORHOOD PARK



ATTACHMENT 8
ILLUSTRATIVE PLAN FOR "NODAL" PARK
OPTION A



PARK - OPTION A

SCALE 1" = 20'-0"



ATTACHMENT 9
ILLUSTRATIVE PLAN FOR "NODAL" PARK
OPTION B

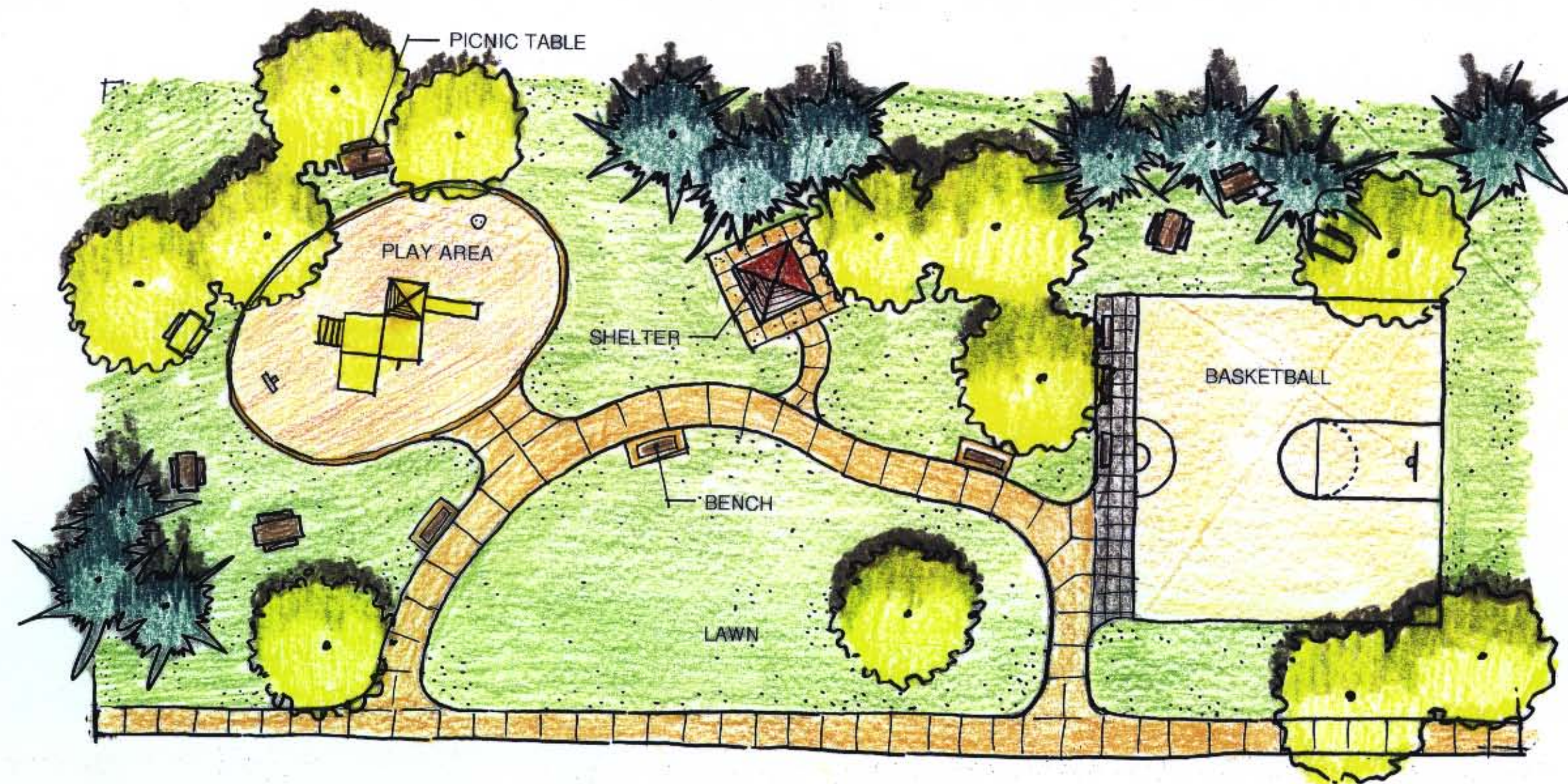


PARK - OPTION B

SCALE 1" = 20'-0"



ATTACHMENT 10
ILLUSTRATIVE PLAN FOR "NODAL" PARK
OPTION C



PARK - OPTION C

SCALE 1" = 20'-0"



Bull Mountain Annexation White Paper on Planning

The purpose of the Bull Mountain Subcommittees is to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan.

The objectives of the subcommittees are:

- Develop an approach for transition of key urban services that occurs through annexation
- Provide additional review for public involvement and discussion
- Develop a strategy for implementation of the Annexation Plan, e.g. funding, planning, etc.

The Planning Subcommittee met 6 times in meetings that were open to the public. Notice was provided on the City web page indicating the time and location of the meetings. Meeting minutes were also posted on the web page. All meetings were held in the Ash Creek Conference Room at City Hall. The draft white paper was reviewed at the meeting on May 12, 2004. The revised draft was reviewed and finalized on May 26, 2004.

Section One

Summary of public involvement and discussion

▪ Subcommittee membership:

Gretchen Buebner, City of Tigard resident, Planning Commissioner
Kathy Meads, City of Tigard resident, Planning Commissioner
Rebecca Vonada, City of Tigard resident
Ellen Beilstein, Unincorporated Washington County resident
Stuart Byron, Unincorporated Washington County resident
Teddi Duling, Unincorporated Washington County resident

▪ Staff:

Jim Hendryx, City of Tigard Director of Community Development
Barbara Shields, City of Tigard Planning Manager
Joanne Rice, Washington County DLUT

Subcommittee members worked cooperatively in developing the White Paper. Recommendations were developed by consensus. Recommendations came from the citizens on the committee with input on wordage and process from the staff representatives.

▪ Meeting dates:

March 10; March 31; April 21; April 28; May 12; May 26, 2004

Summary of issues raised:

- The Washington County Bull Mountain Community Plan is out of date and needs to be updated. The County has no plans to update their Comprehensive

Plan, including the Bull Mountain Community Plan. The County will continue to make periodic changes to elements of the Comprehensive Plan to comply with mandatory Federal, State, and Regional requirements.

- The City of Tigard's Comprehensive Plan is out of date and needs to be updated. The Planning Commission is currently working on a schedule for updating the City's Comprehensive Plan. Once begun, this process may take up to 3 years to complete. Recommend budgeting additional resources to expedite the process.
- With annexation, Bull Mountain would be included with the update of the Tigard Comprehensive Plan. Areas 63 and 64 should be included with this process.
- The Comprehensive Plan update, including Bull Mountain and areas 63 and 64, must be through an open and public process led by the City of Tigard.
- The subcommittee recommends development and implementation of a design review process, possibly including design standards, to assure compatibility of new development with the unique characteristics of existing neighborhoods. Time is of the essence and the implementation of this process could be completed prior to, or in conjunction with, the Comprehensive Plan update.
- The subcommittee recommends that Tigard pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
- Prior to the Comprehensive Plan update, the subcommittee recommends that Tigard amend its development standards to prohibit density transfers for properties, including natural resources, as one way to address citizen concerns about density. Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. The committee is reviewing and will recommend changes to the Planned Development section of the Community Development Code to the Planning Commission and City Council.
- The subcommittee recognizes that the issues facing Bull Mountain are similar to those facing the rest of the community. To that end, the subcommittee developed a list of likes, dislikes, and the future that they would like to see with development (Attachment A). This list further identifies issues raised by the subcommittee.

Section Two

Summary of key impacts of annexation on Bull Mountain residents and Tigard residents:

Subcommittee members recognize that some growth is inevitable and will continue throughout the community and in particular on Bull Mountain. Current growth is causing change in neighborhood character and the sense of community. Subcommittee members are concerned about the type of development that is occurring throughout the community, particularly dense, small lot, residential development that is not consistent with the character of existing neighborhoods.

The Comprehensive Plans for Washington County and Tigard were completed in the mid-80's. The subcommittee is unanimous about the need to update the Comprehensive Plans for the City and Unincorporated Bull Mountain. While both plans meet State and regional planning requirements, they need to be updated to reflect current values and concerns of the community.

Washington County does not have the resources to update the Bull Mountain Community Plan. Tigard recognizes that their Comprehensive Plan should be updated and has started discussions with the Planning Commission on a potential schedule. It is recognized that any update to Tigard's efforts should include the entire community, including all of Bull Mountain, if annexed. Consideration should also be given to include any areas included in the Urban Growth Boundary Expansion immediately adjacent to Bull Mountain (Areas 63 & 64). However, there is concern about the amount of time it will take to update the plan and the resulting growth that will occur before the update is complete. Subcommittee members expressed a need to slow development until the plan is updated or focus resources to shorten the amount of time it takes to complete the plan update.

The subcommittee agreed to the following policy statements that will go forward in the White Paper:

- The City of Tigard's Comprehensive Plan is out of date and needs to be updated. The Planning Commission is currently working on a schedule for updating the City's Comprehensive Plan. Once begun, this process may take up to 3 years to complete. Recommend budgeting additional resources to expedite the process.
- The Washington County Bull Mountain Community Plan is also out of date and needs to be updated. The County has no plans to update the Comprehensive Plan, including the Bull Mountain Community Plan.
- With annexation, Bull Mountain would be included with the update of the Tigard Comprehensive Plan. Areas 63 and 64 should be included with this process.
- The subcommittee recommends that Tigard pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
- The subcommittee recommends that Tigard adopt interim steps to not allow density transfers for properties, including natural resources. Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. The committee will review and recommend changes to the Planned Development section of the Community Development Code.

The subcommittee recognizes that the issues facing Bull Mountain are similar to those facing the rest of the community. To that end, the subcommittee developed a list of likes, dislikes, and the future that they would like to see with development (Attachment A). This list should be used as a starting point for updating the City's Comprehensive Plan and in engaging the entire community on how the community should continue to grow.

Subcommittee members enjoy their community and feel connected with their neighbors. However, the pace and type of development, with higher densities and incompatible building design, is changing the character of established neighborhoods. The Comprehensive Plan update, if completed in a timely manner, provides an opportunity to shape a future for Bull Mountain and the rest of the community that is different from what is developing under current land use standards.

There is a need for an updated plan for Bull Mountain, regardless of whether annexation occurs. Annexation affords the opportunity to plan for the entire community. Without annexation, Tigard lacks the authority and need to plan for unincorporated Bull Mountain and/or the Urban Growth Boundary expansion areas (areas 63 & 64).

Summary of costs:

No effort has been made to establish what the additional costs will be to provide comprehensive planning services to unincorporated Bull Mountain. The area totals 1400 – 1900 acres, depending on inclusion of the Urban Growth Boundary expansion areas (areas 63 & 64). This represents approximately 20% - 25% of the existing City limits. It would be reasonable to assume that costs associated with the Comprehensive Plan update would increase by a proportionate amount.

When property is developed, within areas 63 and 64, the property owner/developer could be assessed a fee to offset the City's costs associated with developing a Comprehensive Plan for those areas because it directly benefits those areas. The City should be responsible for the cost to update the Comprehensive Plan for City properties and urban, unincorporated properties in Bull Mountain because these areas are mostly developed.

Summary of benefits:

Annexation provides the opportunity to include the Bull Mountain area with the update of the Tigard Comprehensive Plan; otherwise, it will not be done by the City and the County has no plans to do so. Including adjacent Urban Growth Boundary areas (areas 63 & 64) provides more opportunities to consider the needs of densities, housing, open spaces, etc., throughout the entire community.

Section Three

Transition of services

- Options considered: The City would assume long range planning responsibilities with annexation. Timing of the November election, budgeting decisions, and actual annexation occurring the following July, would allow consideration of the Bull Mountain area and areas 63 & 64 in the work program for the Comprehensive Plan update. Other options were not considered. The City lacks authority to provide for long range planning services to unincorporated Bull Mountain and/or areas 63 & 64. Annexation of portions of Bull Mountain to King City was not considered by this subcommittee.
- Evaluation criteria: After receiving a detailed background on Oregon's Land Use Planning program and an overview of Washington County and Tigard's Comprehensive Plans, the subcommittee developed a list of their likes, dislikes, and the future development trends. From this list, the subcommittee evaluated what was the best approach to address this list of concerns and desires. Tigard has started discussions to update the Comprehensive Plan. Annexation provides the opportunity to address the planning needs for unincorporated Bull Mountain, areas 63 & 64, and the rest of the City.
- Recommended approach:
- With annexation, initiate the Comprehensive Plan update and include unincorporated Bull Mountain.
- Finalize an Intergovernmental Agreement between Tigard and Washington County to transfer Comprehensive Plan authority for areas 63 & 64.

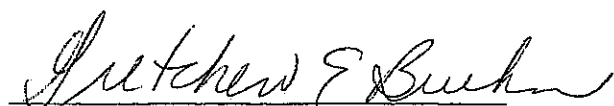
Section Four

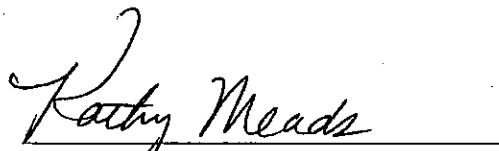
Implementation of the Annexation Plan


- Recommended strategy for implementation:
 - The City of Tigard needs to commit to updating the Comprehensive Plan as soon as possible. Recommend Council approve a work program for updating the Comprehensive Plan by July 2005, including Bull Mountain and areas 63 & 64 to begin implementation in 2005-06. The Plan update should be through an open and public process.
 - Annexation of unincorporated Bull Mountain provides the opportunity to plan for the entire community with the update of Tigard's Comprehensive Plan. Areas 63 & 64 should also be included in this effort. An IGA between Washington County and Tigard is necessary to transfer comprehensive planning authority.
 - Recommend Council pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
 - Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. Once the Planned Development Review Committee completes its review, recommend the Planning Commission and City Council adopt interim

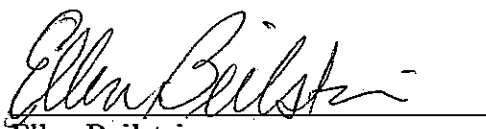
- steps to not allow density transfers for properties, including natural resources.
- The subcommittee recommends development and implementation of a design review process, possibly including design standards, to assure compatibility of new development with the unique characteristics of existing neighborhoods. Time is of the essence and the implementation of this process could be completed prior to, or in conjunction with, the Comprehensive Plan update.
- Consider the list of likes, dislikes, and the future that the committee would like to see with development (Attachment A). This should be considered in conjunction with the Comprehensive Plan update.
- Funding:
 - Long range planning is funded through the general fund. City should pursue grant funding for this effort. Funding separately should also be considered for areas 63 & 64, including property owner participation.
- Planning:
 - The City of Tigard needs to commit to updating the Comprehensive Plan as soon as possible. Recommend Council approve a work program for updating the Comprehensive Plan by July 2005, including Bull Mountain and areas 63 & 64 to begin implementation in 2005-06. The Plan update should be through an open and public process.
 - When property is developed, within areas 63 and 64, the property owner/developer could be assessed a fee to offset the City's costs associated with developing a Comprehensive Plan for those areas because it directly benefits those areas. The City should be responsible for the cost to update the Comprehensive Plan for City properties and urban, unincorporated properties in Bull Mountain because these areas are mostly developed.
- Timing:
 - Council to approve a work program for updating the Comprehensive Plan by July 2005, including Bull Mountain and areas 63 & 64 to begin implementation in 2005-06.
 - Tigard City Council should pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
 - Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. The committee will review and recommend changes to the Planned Development section of the Community Development Code. Once the Planned Development Review Committee completes its review, the Planning Commission and City Council should adopt interim steps to not allow density transfers for properties, including natural resources.

Signatures:


Gretchen Buchner

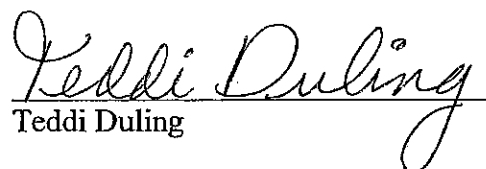

Kathy Meads

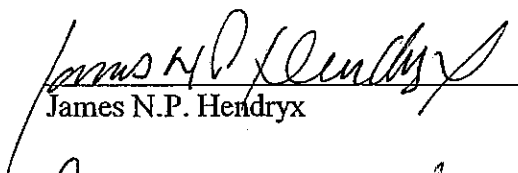

Rebecca Vonada



Ellen Beilstein

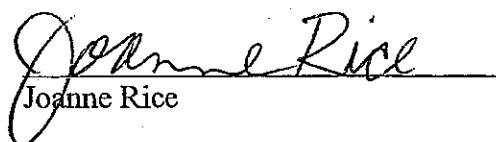
Stuart Byron

NOTE: Mr. Byron attended one subcommittee meeting; he was excused from the other five meetings. He was out of town on June 1, 2004 and unable to sign the White Paper document.


Teddi Duling


James N.P. Hendryx


Barbara Shields


Joanne Rice

Bull Mountain Planning Subcommittee

Attachment A

Likes

Under **Likes**, the main thrust is that the residents enjoy a high quality of life based on the services they receive and the overall feel of the area. As such, they desire to keep the status quo.

Housing

- Well maintained homes
- Good property values
- High percentage of owner occupants
- Safe neighborhood
- Aesthetically appealing, views, attractive physical setting
- Various size properties
- Good home stock
- Views
- Reasonably good mix of residents - young to old, family atmosphere

Services

- Good services: police, trash, water, sewer, fire
- Good local grade school
- Good quality of life
- Low tax rate
- Support of local service expansion (library)
- Quiet
- Low crime rate
- No heavy industry or distasteful areas nearby
- Trees
- Dedicated greenways in neighborhoods built in city

Miscellaneous

- Active neighborhood watch and HOAs
- Close to farm/agricultural area
- Centrally located to Beaverton, Tigard, Tualatin and Sherwood

Bull Mountain Planning Subcommittee

Attachment A

Dislikes

As to **Dislikes**, it is apparent that the prospect of overdeveloping the Bull Mountain area goes against the above qualities that the current residents strongly support. A common thread under **Dislikes** seems to be the rising cost of land, housing and infrastructure (including roads, parks and sewers). What the City of Tigard must do is reassure the present homeowners that what the City can offer is substantially better than what the Bull Mountain residents have now or can anticipate receiving in the near future.

Identity

- No sense of neighborhood
- Lack of master plan for development of area
- Lacks community feel - "no center," no character or identity
- Houses too close together
- Lack of neighborhood feel
- Lack of community planning
- Planning/Development
- Unsightly development
- Development: Increased services
- Development: Increasing prices
- Developers building high density homes on too small lots
- Some of the new developments are too homogenous - not enough design variety
- Residents may feel left out of the development process on Bull Mountain
- Lack of affordability in housing
- Developers cutting down too many trees and not being required to leave green spaces or walking paths
- Over-widening of streets
- Do not stick to zoning - density transfer
- Lack of infrastructure (sewer, storm, quality roads)
- Lack of trees in new developments
- Over-widening of streets

Commercial

- Lack of commercial area
- Lack of commitment to area by County Government
- Commercial development right up to streets (require landscape barriers)
- No local conveniences - e.g., small market, bakery, coffee shop, small restaurant

Bull Mountain Planning Subcommittee Attachment A

Parks

- None to date
- Price of land increasing
- No money for maintenance
- No close-in neighborhood amenities such as parks, walking paths, bike paths
- Street “parks” that are unusable public space
- Lack of parks and trails
- Location of parks

Traffic/Public Transit

- Increasing
- No connectivity
- Have to travel on congested Hwy. 99 to get anywhere. No freeway close, poor commute to downtown Portland.
- Speeding through residential neighborhoods
- Lack of public transit
- Beef Bend Road and Bull Mountain Road can be dangerous for walkers and bicyclists. Need more pedestrian-friendly areas.
- Lack of connectivity
- No nearby public transit
- Lack of connected street grids to relieve traffic burden
- Local roads becoming too crowded due to over-development

Bull Mountain Planning Subcommittee

Attachment A

Future

Planning

- Protection of existing views
- Home delivery of mail (not centralized boxes in a development)
- Underground utilities (esp. on Bull Mountain Road)
- Incentives and disincentives for maintaining property
- Small commercial center on top of Bull Mountain
- Incentives not to subdivide
- Commercial area for local residences
- Coordinated planning
- Most undeveloped areas seem to have a limitless density potential. Can this be capped?
- No multi-family units (except perhaps by proposed commercial center on top of Bull Mountain)
- No "forced" affordable housing
- A minimum of 20-foot setbacks between homes and lot lines (side of house)
- More continuity in types of housing (more master planned, less piecemeal development)
- Developers pay for the privilege to develop on Bull Mountain
- Home styles that follow the land contours and setting
- Increase setbacks from street to 30-40 feet
- Don't accept "adequate" - set a higher standard
- No lots in new developments less than 10,000 square feet
- Strengthen and direct development to existing communities
- Reduced density, especially on slopes
- Citizen involvement and approval of planned developments
- Preserve open space and critical environmental areas
- Foster distinctive communities with a strong sense of place
- More thoughtful development
- Reduce density
- MUA - Clusters of homes and shops
- Adaptation of Bull Mountain Community Plan
- Eliminate the one-size fits all approach to development - be responsive to existing community/neighborhood
- Greater variety in home styles in developments
- Transition between urban and rural areas with less density
- Mix of single and multi-story homes in a single development
- The entire community needs to come to a consensus on the distribution of density including Areas 63 and 64.
- Concerning the special character of Bull Mountain, recent and current developments in the BM area appear to ignore the basic characteristics of the established homes. More thought needs to be given to future developments to avoid continuing this trend away from the original openness of the mountain.

Bull Mountain Planning Subcommittee Attachment A

- Prohibit density transfers.
- Establish a Design Review Board for all development (residential, commercial, and industrial).
- Have all developments be subject to the public hearing process
- Concerning lack of commercial development - whereas there are no commercial facilities on Bull Mountain, area residents need to come to a consensus on how much land should be dedicated for the possible addition of any businesses in the future.
- Concerning citizen awareness - to maintain the desirable character of the Bull Mountain area, significant involvement of the current residents is needed in future planning.

Parks

- Tree planting requirements
- Stricter penalties for cutting trees. Make developers pay fines.
- More off-road bicycle and pedestrian paths
- Green space between dense housing areas
- Low density housing
- Protection of natural spaces and resources
- Create walkable communities
- Provide parks and trails
- Require parks and walking pathways (away from streets).

Traffic

- Traffic calming structures
- Make developers pay for more street improvements and provide green space and trees.
- Provide traffic calming for existing streets
- Narrower roads with planting strips (through residential neighborhoods)
- No speed bumps
- Privatize roads where possible (e.g. cul-de-sacs)
- Less of a focus on connectivity of streets, especially in neighborhoods.
- Increase in TIFs and SDCs to reflect actual cost to community
- Green Streets (see Metro handbooks) applied to all new developments and Bull Mountain and Beef Bend Roads
- Give back street space to property owners with reduction in road width
- Transportation facilities need to keep pace with development. Minimal service standards should be maintained.
- Design roadways to meet needs and not be overly wide (keep the land in the property owner's yard).

Miscellaneous

- Encourage community and stakeholder collaboration
- Push back on Metro

Bull Mountain Planning Subcommittee Attachment A

- Regular five-year reviews of Bull Mountain comprehensive plan
- Design review of developments
- Police: County will lose four officers As population grows, more needed. Will City of Tigard get the ones laid off from Washington County?
- Have residents (both Tigard and Bull Mountain) involved in the Comp Plan update.
- Include the new areas inside the UGB (#63 and #64) in the Comp Plan update.
- Have the Comp Plan recognize the unique quality of Bull Mountain (specifically the topography).

Additional Comments

- I don't think this pattern of soliciting information is very effective because it goes from "Areas of Concern" directly to "Solutions" without any intermediary provision for input toward the planning process.
- I would find it helpful to have the subcommittee consider selecting one of the more pertinent "Likes" or "Dislikes" from the list and devoting one session to searching for a consensus which might indicate a possible productive outcome ("Solution").

**Bull Mountain Annexation
Police Services Subcommittee
White Paper**

Section 1 – Summary of Public Involvement and Discussion

The purpose of the Police Services Subcommittee is to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan.

The objectives of the task force are:

- Develop an approach for transition of key urban services that occurs through annexation
- Provide additional opportunity for public involvement and discussion
- Develop a strategy for implementation of the Annexation Plan, e.g. funding, planning, etc.

Subcommittee membership:

- Jerry Edwards, Tigard Citizen
- Steve Tuttle, Unincorporated Area Citizen
- Wynne Wakkila, Unincorporated Area Citizen
- Charlie Cameron, Washington County Administrator
- Rob Gordon, Washington County Sheriff
- Bill Monahan, Tigard City Manager
- Bill Dickinson, Tigard Police Chief

Meeting Dates:

- February 23, 2004
- March 15, 2004
- March 29, 2004
- April 12, 2004
- May 10, 2004

Summary of issues and findings:

- Comparison of cost and services provided by the Washington County Sheriff's Office (WCSO) and the Tigard Police Department was done. WCSO is the larger provider of police services, providing the same patrol and emergency response services as Tigard. WCSO is the county-wide service provider and/or coordinator for joint task forces. In this respect, they have a greater number of officers and specialty teams, and are spread over a very

large service area. The comparison showed that both agencies deliver comparable services at comparable costs.

- Tigard participates in most of the county-wide teams that are managed by the Sheriff's Office, thereby enjoying a higher level of expertise available for Tigard citizens.
- There are some services such as jail, prisoner transport, civil process, and forensic services which are unique to the Sheriff's Office and are provided to all citizens of Washington County regardless of incorporation status.

Section 2 – Summary of Key Impacts of Annexation on Bull Mountain residents and Tigard Residents

Summary of Cost comparisons:

- Budget personnel from the City and the County were consulted to identify cost models and how they apply in this circumstance. The Sheriff's Office provides three main areas of service to Washington County.
 - First are the county-wide services, which are paid for and enjoyed by all Washington County residents, both in the cities and in the unincorporated area. Examples of such services include the jail, prisoner transport, forensics support, etc.
 - The second area of service provided by the Sheriff is law enforcement services that are provided mainly to unincorporated residents, with the exception of special units and intermittent back-up services that are provided on a county-wide basis. Examples of such services include patrol and investigations.
 - The third area of service is known as the Enhanced Sheriff's Patrol District (ESPD), which is a special taxing district approved by voters in the urban unincorporated areas. The District provides an enhanced level of law enforcement services that augments the traditional level of county services. The ESPD is an alternative that allows the District to receive municipal level of patrol service at a level that is closer to that provided by cities. The residents who receive ESPD services are taxed directly for this enhanced service level, making the service and tax revenue source very identifiable. Unincorporated Bull Mountain residents would cease paying tax for the ESPD following incorporation.
- The study of costs revealed that the Sheriff's budget identifies budgets for ESPD and jail services; however, the budgets for law enforcement do not clearly identify/quantify those county-wide services that are delivered to cities versus the unincorporated areas exclusively. Planning efforts are now underway to address this issue.
 - Because all County residents (city residents and unincorporated residents), pay the same tax rate for Sheriff's services, it is the subcommittee's

recommendation that the County identify which county property tax funds are providing county-wide services versus those that provide services to the unincorporated area (see above plan for addressing this issue).

- By clarifying where funds are applied, the Sheriff would be able to appropriately budget for the three areas of service identified above.
- Finally, it was recognized that the Sheriff's Office must continue to receive those county-wide revenues in order to maintain the long established service levels agreed upon by the County and cities in a mid-1980s urban services study and ultimately memorialized in the County 2000 Strategic Plan approved by the Board of Commissioners in 1987.
- Overall, it was the consensus of the subcommittee that services to Bull Mountain would remain at least at the same level as currently provided.

Section 3 – Transition of Services

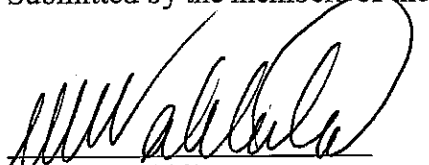
- It was determined that the transition would be a cooperative effort.
 - The Sheriff's Office will continue to provide the county-wide services they have always provided. Tigard Police will hire additional officers to meet service level standards set by the Tigard City Council and that the current service level would not be diluted by the expanded service area and population.
 - It is expected that Tigard would hire sufficient additional staff to accommodate the annexation area's impact on the City. The additional staff will enhance response and investigative capacity for the entire City, so the benefit of additional officers is equally shared by the existing city residents as well as the residents of Bull Mountain.
 - It was recommended that the City of Tigard begin hiring and training immediately following an affirmative annexation vote. This would allow the Tigard Police to be fully staffed and ready to assume all patrol services by July of 2005

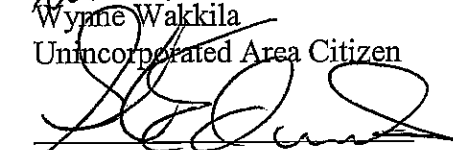
Section 4 – Implementation of the Annexation Plan


- In order to implement this transition plan, the City Council would need to authorize a supplemental budget which would allow the hiring and training to begin in advance of the transition date.
 - While there is a provision in State Law which allows Sheriff's Deputies to transfer to a new or annexing city, Sheriff Gordon has stated that this will not be necessary as growth in other parts of the County more than accommodates the area that would be annexed by Tigard.
 - Since lateral transfers are not likely, Tigard Police would need to ramp up its staffing level. It takes approximately 6 months from the time of hire, to the time that an Officer is fully trained and operational in the field. The Police Department maintains a current hiring list at all times, so hiring could begin immediately upon gaining the City Council's budget authorization.

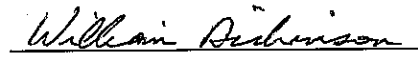
- The planning for this concept has already been conducted by the Tigard Police Department, and can be implemented on demand. The timing is such that there is nearly 8 months from the time of the annexation vote, until the City would assume responsibility for delivering law enforcement responses. This is only marginally longer than the 6 months it takes to hire and train the new staff, so while it would require prompt action on the part of the City, there is adequate time to allow for a smooth and seamless transition. In the event of hiring delays, the Chief and the Sheriff will work cooperatively to assure the maintenance of police services.

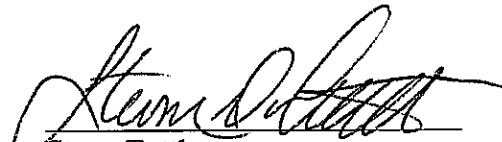
Submitted by the members of the Bull Mountain Annexation Police Subcommittee:

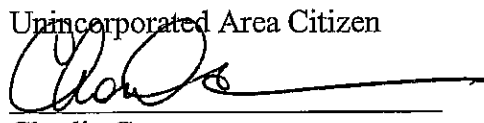

Wynne Wakkila
Unincorporated Area Citizen

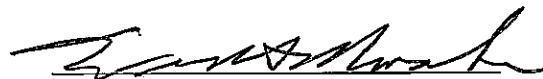

Jerry Edwards
Tigard Citizen


Rob Gordon
Washington County Sheriff


Bill Dickinson
Tigard Police Chief


Steve Tuttle
Unincorporated Area Citizen


Charlie Cameron
Washington County Representative


Bill Monahan
Tigard Representative

**Bull Mountain Annexation
Streets Subcommittee**

White Paper

Section 1 - Summary of Public Involvement and Discussion

The Streets Subcommittee met five times in meetings open to the public. The members were presented with available information at the first meeting. Additional information was presented in subsequent meetings in response to questions from the members. The draft white paper was reviewed at the meeting on April 15, 2004. The revised draft paper was reviewed at the meeting on April 29, 2004. The final draft was reviewed on May 20, 2004 at which time the members signed off on the final version of the paper.

Subcommittee membership:

- Gus Duenas: City Engineer
- Brian Rager: Public Works Engineering Manager
- Victoria Saager: Washington County Representative
- Joe Schweitz: Tigard Citizen Representative
- Cam Gilmour: Tigard Citizen Representative
- Paul Giroux: Bull Mountain Citizen Representative
- Keshmira McVey: Bull Mountain Citizen Representative

Meeting Dates:

- March 3, 2004
- March 18, 2004
- April 15, 2004
- April 29, 2004
- May 20, 2004

Summary of issues raised and findings:

- Street Improvement Capital Project costs over the long term in the Annexation Area
 - Collector street improvements needed over the long term (6 to 20 years) in the Bull Mountain annexation area are estimated at \$19,380,000. This represents about 6.4% of approximately \$300 million in long-term capital project needs (during the next 20 or more years) in the City of Tigard. Some of the capital needs in the City are for high-cost overpasses and connectors that would eventually be constructed over the long term. The improvements needed in the annexation area are for widening of existing collectors, which most likely would be constructed earlier than those longer-term improvements.
 - Local streets and neighborhood routes could be improved to ultimate width with sidewalks, underground drainage, and street lights through formation of Local

Improvement Districts (LIDs). The cost of these improvements would be assessed to the benefited properties. The formation of these districts to perform these improvements would be subject to approval by the benefited property owners.

- Status of non-remonstrance agreements required of developers by Washington County
 - Non-remonstrance Agreements signed by residents in the annexation area are for the formation of Maintenance Local Improvement Districts (MLIDs). These MLIDs are not to be used for street improvements, but were implemented as a backup plan should Urban Road Maintenance District (URMD) be discontinued. The City of Tigard does not use MLIDs, does not obtain them from developers, and has no use for these agreements after annexation.
- What revenue would be transferred to Tigard from the Urban Road Maintenance District (URMD) and Road Fund at the time of annexation?
 - No revenue would be transferred to Tigard from URMD funds or Road Fund at time of annexation. Collections from the residents in the annexed area for the URMD would cease upon annexation.
- What improvements are planned by Washington County prior to the effective date of annexation (July 1, 2005)?
 - None, except for maintenance work to bring the streets into compliance with the requirements established by the Urban Service Agreement (attached), which requires that all streets to be transferred have a Pavement Condition Index (PCI) of greater than 40, and that the average PCI of all the streets is 75 or greater.
- What improvements will the County make to roads after the effective date of annexation?
 - None
- What commitments will the County make regarding street improvements in the annexation area?
 - County staff cannot make any commitments regarding street improvements in the annexation area. Any commitments would have to be obtained from the County Board of Commissioners. The commitment from the Board could be by resolution or Intergovernmental Agreement and should be executed prior to the effective date of annexation.
- Transfer of streets upon annexation. What is the process for transfer of streets from the County to the City? What streets transfer automatically? What streets need to be transferred separately?

- Except for Beef Bend Road and Barrows Road, all the streets in the annexation area will be transferred from County to City jurisdiction. This includes Bull Mountain Road, Roshak Road, and 150th Avenue. Beef Bend Road (County arterial) and Barrows Road will remain under County jurisdiction.
 - Approximately half of the streets (local streets and neighborhood routes) in the annexation area would transfer automatically. The remainder, which include local streets, neighborhood routes and collectors, are identified by County Road Number and would have to be transferred by separate action. The process is for the City to request and the County Board of Commissioners to agree by formal action to the transfer of those County Roads.
 - Washington County and the City already have an Urban Service Agreement dated November 26, 2002 that provides the basis for transfer of jurisdiction for streets. Washington County will ensure prior to transfer that all streets to be transferred have a Pavement Condition Index (PCI) of greater than 40, and that the average PCI of all the streets is 75 or greater. The current PCI average of all the streets in the annexation area is 81. The streets in the annexation area are generally in good to excellent condition.
 - The transfer of the streets in the annexation area will be executed at no additional cost to the residents in the annexation area.
 - Bull Mountain Road is a collector street that connects Highway 99W with Roy Rogers Road (a County arterial). 150th Avenue is also a collector street that provides a direct connection between Beef Bend Road (a County arterial) and Bull Mountain Road. Both these streets accommodate regional traffic and would most likely need to be widened during the next 5 to 10 years. A commitment from the County Board of Commissioners to recognize improvements to those streets as high priority would enhance the chances of those projects receiving strong consideration for funding in a future MSTIP or other funding opportunities.
- What happens to maintenance on those streets that do not transfer immediately upon annexation? Would there be a period where no maintenance is performed until the streets are officially transferred?
 - The URMD collections from the annexed area cease upon annexation. The County would not perform maintenance once the funding is no longer available. The City would not have jurisdiction over the streets until transfer occurs. Until the transfer occurs, there would most likely be a period during which no maintenance is performed on the streets.
 - One way to avoid a period of no maintenance is to initiate transfer prior to the effective date of annexation and have the transfer effective on the annexation date. A 6 or 7-month period should be sufficient time to initiate and complete the process. Should the jurisdictional transfer process take much longer than expected, the City and County could execute an Intergovernmental Agreement (IGA) for the City to perform street maintenance on those streets from the effective date of annexation until jurisdictional transfer occurs. This assumes that

the streets are at the level of compliance indicated in the Urban Service Agreement.

Section 2 – Summary of Key Impacts of Annexation on Bull Mountain residents and Tigard Residents

Summary of Costs (street maintenance, street lights, and capital improvements):

- The City funds street maintenance through gas tax revenue and through the newly established Street Maintenance Fee. The Street Maintenance Fee revenues would be used strictly for reconstruction, pavement overlays and slurry seals on existing streets. This fee is collected through the City's utility billing. The County funds street maintenance through URMD collections for all urban streets below major collector status. The URMD assessments appear on the property tax bill and are collected with the property taxes. Collector and arterial street maintenance are funded through the Road Fund, which is primarily the gas tax.
- The City pays for street light energy and maintenance through the gas tax revenues. The County creates Street Light Districts and charges the residents in the district for the installation, maintenance and energy costs of the street lights in each district. Like the URMD assessments, the street light charges appear on and are collected through the property tax bills.
- The City currently funds its major street improvement projects through the Traffic Impact Fee (TIF) revenues. The County also uses the TIF revenues, gas tax revenues and the Major Streets Transportation Improvement Program for street improvements.

Annual Costs

The cost comparisons are as follows:

Street Maintenance

- City of Tigard Street Maintenance Fee: \$2.18 per month per dwelling unit = \$26.16 per year
- Washington County URMD charges: \$61.40 per year (based on \$0.25 per \$1,000 of assessed value using a \$250,000 house)

Net reduction in cost upon annexation: $\$61.40 - \$26.16 = \$35.24$ per dwelling unit per year

Street Lights

- City of Tigard Street Lights: Absorbed in the City's Operating Budget. City assumes responsibility for energy and maintenance costs and residents do not pay charges directly.

- Washington County forms Street Light Districts and assesses charges to cover the long-term maintenance and energy costs for the street lights: \$35.00 per year average charge.
- Street Light Districts in the annexed area would be terminated and the street lights would become part of the City's street light system.

Net reduction in cost upon annexation: \$35 per dwelling unit per year

Capital Project Costs (Streets only)

- Total Street Improvement Costs (based on improvements to County collectors that are not yet built to ultimate width): \$19,380,000
 - Bull Mountain Road Only: \$8,050,000
 - 150th Avenue Only: \$3,425,000

Analysis of Annexation Impacts (Pros and Cons):

The following are the pros and cons of annexation from five different perspectives: Annexation Area Residents, City of Tigard Residents, City of Tigard, Washington County, Oregon Department of Transportation (ODOT).

Annexation Area Residents	
Pros	Cons
Lower annual street maintenance costs: \$35.24 less (see cost comparison above)	Concern whether or not the monthly \$2.18 Street Maintenance Fee is sufficient to provide a satisfactory level of maintenance, as compared to the level the County now achieves with the URMD funds.
Elimination of street light maintenance and energy charges: \$35 average charge per residence in a Street Light District	
Current road conditions preserved with routine street maintenance at City service level, which is performed at a frequency at least double that of the County	
Capital Improvements more likely with City support and emphasis. City would begin the process for planning the widening of Bull Mountain Road and 150 th Avenue soon after annexation.	

City of Tigard Residents	
Pros	Cons
With the County ensuring that the streets are in at least good condition prior to transfer, lower annual maintenance costs are anticipated for the next five years	The transition phase during the transfer of jurisdiction has the potential for reduced customer service initially as the City adjusts to the increased workload.
Additional mileage added to the City's total mileage could improve bid prices through economies of scale (more lineal footage in the annual pavement overlay and slurry seal projects)	

City of Tigard	
Pros	Cons
Increased gas tax and Street Maintenance Fee revenue	City would have to pay for street light energy and maintenance costs for that area in addition to street maintenance as needed
Potential for higher priority through City support on improvements to Bull Mountain Road and 150 th Avenue from future MSTIP or other funding opportunities	Except for the newer streets, streets are typically narrow, do not meet City standards, and do not have underground drainage. The City would be accepting a capital improvement liability because of major streets that need to be expanded to ultimate width at some point during the next 20 years. There are no guarantees that the future MSTIPs would include Bull Mountain Road and 150 th Avenue.
Lower initial maintenance requirements for streets	Increase in scope of work for maintenance of ditches and underground drainage systems. Additional personnel and equipment do need to be added to adequately maintain the drainage ditches and underground drainage systems in the annexation area. Potential for lag in customer service as the City adjusts to the increase in scope of work.
Control over the streets in the annexation area. Would allow City to perform traffic studies as needed, place appropriate traffic control devices, determine the appropriate level of	

maintenance and apply the City standards for development of streets within that area.	
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Washington County	
Pros	Cons
Would be a significant step towards reduction of urban services Countywide	Loss of URMD revenue from area with low current maintenance requirements (many new streets)

Oregon Department of Transportation	
Pros	Cons
Acceleration of improvements to Bull Mountain Road could result in improvements to the signal system at the Highway 99W/Bull Mountain Road intersection.	Improvements to Bull Mountain Road could result in increased traffic volumes entering Highway 99W. This could lead to increased congestion on Highway 99W from Durham Road to Hall Boulevard.

Section 3 - Transition of Services

Options Considered:

Transfer of Streets:

- Streets that automatically transfer would be transferred upon annexation under the conditions specified in the Urban Service Agreement dated November 26, 2002.
 - Accept street maintenance and street-related storm drainage on all streets transferred by annexation
 - Accept responsibility for traffic control and traffic calming on all streets transferred by annexation
- Streets that have to be transferred by separate action should go through the transfer process established by that same agreement. Begin the transfer process 6 or 7 months prior to the effective date and ensure the streets are officially transferred upon annexation.
 - Accept street maintenance and street-related storm drainage on all streets transferred by jurisdictional transfer process
 - Accept responsibility for traffic control and traffic calming on all streets transferred by jurisdictional transfer process

Evaluation Criteria

- Impact on the City's resources
- Time needed to accommodate additional responsibility
- City's ability to absorb additional scope and long-term street capital needs
- County's responsibility for regional traffic

Evaluation Criteria	Automatically Transfer		Transfer by Separate Action		
	<i>Street and Drainage Maintenance</i>	<i>Traffic control and calming</i>	<i>Street and Drainage Maintenance</i>	<i>Traffic control and calming</i>	<i>Capital Improvement Needs</i>
Impact on City's resources	Will need additional resources (labor and equipment)	Will not need additional resources	Will need additional resources (labor and equipment)	Will not need additional resources	Exceeds City's existing resources
Time needed	Can be done prior to effective date	Can be done immediately	Can be done prior to effective date	Can be done immediately	Needs to be planned and implemented over the long term (up to 20 years)
City's ability to absorb scope and capital needs	Need labor, and equipment and time to get them	Can be accommodated with existing resources	Need labor, and equipment and time to get them	Can be accommodated with existing resources	Would be prioritized along with other City projects
County's responsibility for regional traffic	N/A	N/A	N/A	N/A	Commitment needed from County Board to make Bull Mountain Road and 150 th Avenue high priority for future funding

Recommended Approach

- Accept automatic street transfer with annexation in accordance with Urban Service Agreement

- Execute street transfers for those streets that need separate action to allow an effective transfer date of July 1, 2005
- Obtain a commitment from the Washington County Board that Bull Mountain Road and 150th Avenue would be considered as high priority projects for MSTIP 4, or other funding opportunities
- Ensure adequate time for the City to acquire necessary manpower and equipment to perform routine maintenance on transferred streets. The 6-month period January through June 2005 should be sufficient time for recruitment and equipment purchase.

Section 4 - Implementation of the Annexation Plan

The current plan for annexation calls for a vote in November (Citywide and Bull Mountain Annexation Area) of 2004. The effective date of annexation would be July 1, 2005. Streets that would transfer automatically upon annexation would become the City's responsibility on that date. Streets that need to be transferred by separate action should be transferred at the same time to avoid any lag in service. If the annexation vote succeeds, the seven-month time period from December 2004 through June 2005 will allow the City to mobilize whatever resources it needs to begin street maintenance in the annexation area on July 1, 2005. This time period should also be sufficient for the transfer process to occur with an effective transfer date of July 1, 2005. Additional personnel will need to be hired (at least two utility workers) and one or possibly two additional utility trucks would have to be purchased. The maintenance and control of traffic control devices could be assumed immediately upon annexation. Neighborhood traffic management would likewise be assumed upon annexation.

Recommended Strategy for Implementation:

Funding

- Begin gas tax collection for the annexation area effective July 1, 2005
- Begin Street Maintenance Fee billing effective July 1, 2005
- Include as part of the Supplemental Budget (which would be necessary to address the annexation) funding to hire additional street maintenance personnel and equipment needed to provide routine maintenance on the streets transferred
- Request and obtain commitment from Washington County Board of Commissioners to consider Bull Mountain Road and 150th Avenue Improvements as high priority projects for incorporation in future MSTIP or other funding opportunities

Planning

- Identify any streets that need preventative or corrective maintenance prior to transfer, ensure that they are included in the County's list for resurfacing, and that they are brought up to standard prior to transfer to the City
- Mobilization during the seven-month period from December 2004 through June 2005 to have resources available by July 1, 2005. This includes approval of a Supplemental Budget to provide the funding necessary for these resources.

- Incorporate the streets transferred into the City's Capital Improvement Program formulation process for any future improvement needs
- Provide notice well in advance of the effective date to all residents in the Annexation Area that the City is assuming responsibility for the streets and street maintenance
- Prepare for the transition of services from Washington County to the City
- Identify and prepare for the transfer of the street lights that need to be absorbed into the City's street light system

Timing

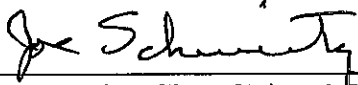
- Accept the streets that automatically transfer on July 1, 2005
- Begin and complete the process of identifying and describing the streets for transfer by separate action at least 6 or 7 months prior to annexation. Have the approval process completed prior to annexation with an effective transfer date of July 1, 2005, same as the other streets.
- Execute a Supplemental Budget to provide the resources for street maintenance no later than the end of March 2005
- Obtain a commitment in writing (possibly through resolution or Intergovernmental Agreement) from the County prior to the annexation date to elevate Bull Mountain Road and 150th Avenue to high priority for future funding
- Ensure all streets are brought up to the standards described in the Urban Service Agreement prior to transfer dates
- Dispense with the MLIDs executed in the annexation area upon annexation
- Begin planning for improvements to Bull Mountain Road and 150th Avenue shortly after annexation to ensure that they would be in contention for any available funding through Federal, State, County or City sources

Attachment: Urban Service Agreement dated November 26, 2002

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**Bull Mountain Annexation
Streets Subcommittee
White Paper**

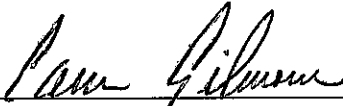
Submitted by:



Joe Schweitz, City of Tigard Citizen Representative

5/20/04

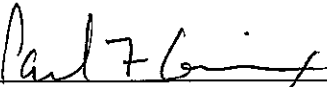
Date



Cam Gilmour, City of Tigard Citizen Representative

5/20/04

Date



Paul Giroux, Bull Mountain Citizen Representative

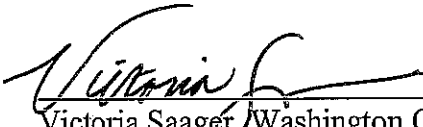
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Date

Missed. Last 3 meetings. Did not respond
and did not sign.

Keshmira McVey, Bull Mountain Citizen Representative

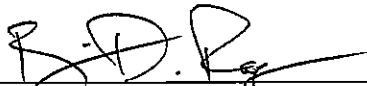
Date



Victoria Saager, Washington County Representative

5/20/04

Date



Brian D. Rager, P.E., Public Work Engineering Manager,
City of Tigard

5/20/04

Date



Agustin P. Duenas, P.E., City Engineer,
City of Tigard

5/20/04

Date

TIGARD URBAN SERVICE AGREEMENT

November 26, 2002

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;
Tigard Water District;
Tri-Met;
Tualatin Hills Park and Recreation District;
Tualatin Valley Fire and Rescue District; and
Tualatin Valley Water District

RECITALS

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;
2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and
3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

I. ROLES AND RESPONSIBILITIES

- A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).
- B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.
- C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.
- D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:
 - 1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and

2. Far-term (10 years or later): Metzger area.
- E. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.
- F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.
- G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.
- H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

II. AGREEMENT COORDINATION

- A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.
- B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.
- C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.

III. AREA AFFECTED BY AGREEMENT

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

IV. URBAN SERVICE PROVIDERS

A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and

B. The following urban services are addressed in this AGREEMENT:

1. Fire Protection and Emergency Services (Exhibit A);
2. Public Transit (Exhibit B);
3. Law Enforcement (Exhibit C);
4. Parks, Recreation, and Open Space (Exhibit D);
5. Roads and Streets (Exhibit E);
6. Sanitary Sewer and Storm Water (Exhibit F); and
7. Water Service (Exhibit G).

V. ASSIGNABILITY

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

VI. EFFECTIVE DATE OF AGREEMENT

This AGREEMENT shall become effective upon full execution by all parties.

VII. TERM OF THE AGREEMENT

This AGREEMENT shall continue to be in effect as long as required under state law. The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT

- A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.
- B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.
- C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.
- D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.
- E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such as an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

IX. DISPUTE RESOLUTION

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

Step 1 – Negotiation. The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

X. SEVERABILITY CLAUSE

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

XI. SIGNATURES OF PARTIES TO AGREEMENT

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD


By: James E. Griffith
James E. Griffith, Mayor

12-10-02
Date

Approved as to Form:

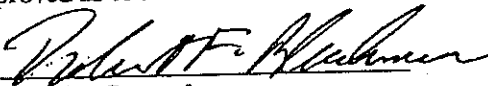
By: Justin V. Harris
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By: 
Chairman, Board of Directors

12/17/02
Date

Approved as to Form:

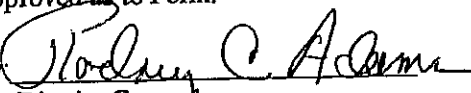
By: 
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

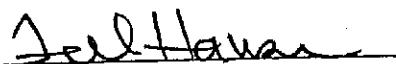
By: 
President, Board of Directors

February 3, 2003
Date

Approved as to Form:


By: 
District Counsel

TRI-MET

By: 
General Manager

12/16/02
Date

Approved as to Form:

By: 
District Counsel

CLEAN WATER SERVICES

By: Tom Brian
Tom Brian, Chair
Board of Directors

12-17-02
Date

Approved as to Form:
By: William P. VII
District Counsel

APPROVED CLEAN WATER SERVICES
BOARD OF DIRECTORS
MINUTE ORDER # CWS 02-119
DATE 12-17-02
BY Barbara Heitmanek
CLERK OF THE AGENCY

TIGARD WATER DISTRICT

By: [Signature]
Chairman, Board of Directors
COMMISSIONER

12/19/02
Date

Approved as to Form:

By: _____
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: _____

Chairman, Board of Directors
Richard P. Burke

12-18-02
Date

Approved as to Form:

By: _____

District Counsel

Clark Balfour

WASHINGTON COUNTY

By: Tom Brian
Tom Brian, Chair
Board of Commissioners

12-17-02
Date

Approved as to Form:

By: Chris Ryley
County Counsel

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 02-417
DATE 12-17-02
BY Barbara Heitmaek
CLERK OF THE BOARD

METRO

By: Craig Smith
Presiding Officer

12/3/2002
Date

Approved as to Form:

By: D. Blagov
Legal Counsel

EXHIBIT A

PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES

TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.
2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.
3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.

EXHIBIT B

PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.
2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

EXHIBIT C

PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.
2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy.
3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.
4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

EXHIBIT D

PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE

CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other's boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.
2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.
3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.
4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.
5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.
6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.
7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.

8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.
9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

EXHIBIT E

PROVISIONS OF AGREEMENT FOR ROADS AND STREETS

CITY and COUNTY agree:

1. Existing Conditions and Agreements

- A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.
- B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.
- C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).
- D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

2. Road Transfers

Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

- A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.

B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.

C. The COUNTY:

- (1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.
- (2) Prior to final transfer, the COUNTY:
 - (a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.
 - (b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.
 - (c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.
 - (d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.

D. The CITY:

- (1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.
- (2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what conditions

the transfer will occur and how maintenance will be provided until the transfer is complete.

- E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.

3. Road Design Standards and Review Procedures and Storm Drainage

The CITY and COUNTY shall agree on:

- A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;
- B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and
- C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.

4. Review of Development Applications and Plan Amendments

- A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.
- B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.

5. Maintenance Cooperation

- A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.

- A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.
- C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.
- D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.

6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.

EXHIBIT F

PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.
2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.
3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.
 - A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).
 - B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.
 - C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.
4. Master and Watershed Planning:
 - A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

- B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

- A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.
- B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

EXHIBIT G

PROVISIONS OF AGREEMENT FOR WATER SERVICE

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD),
CITY and COUNTY agree:

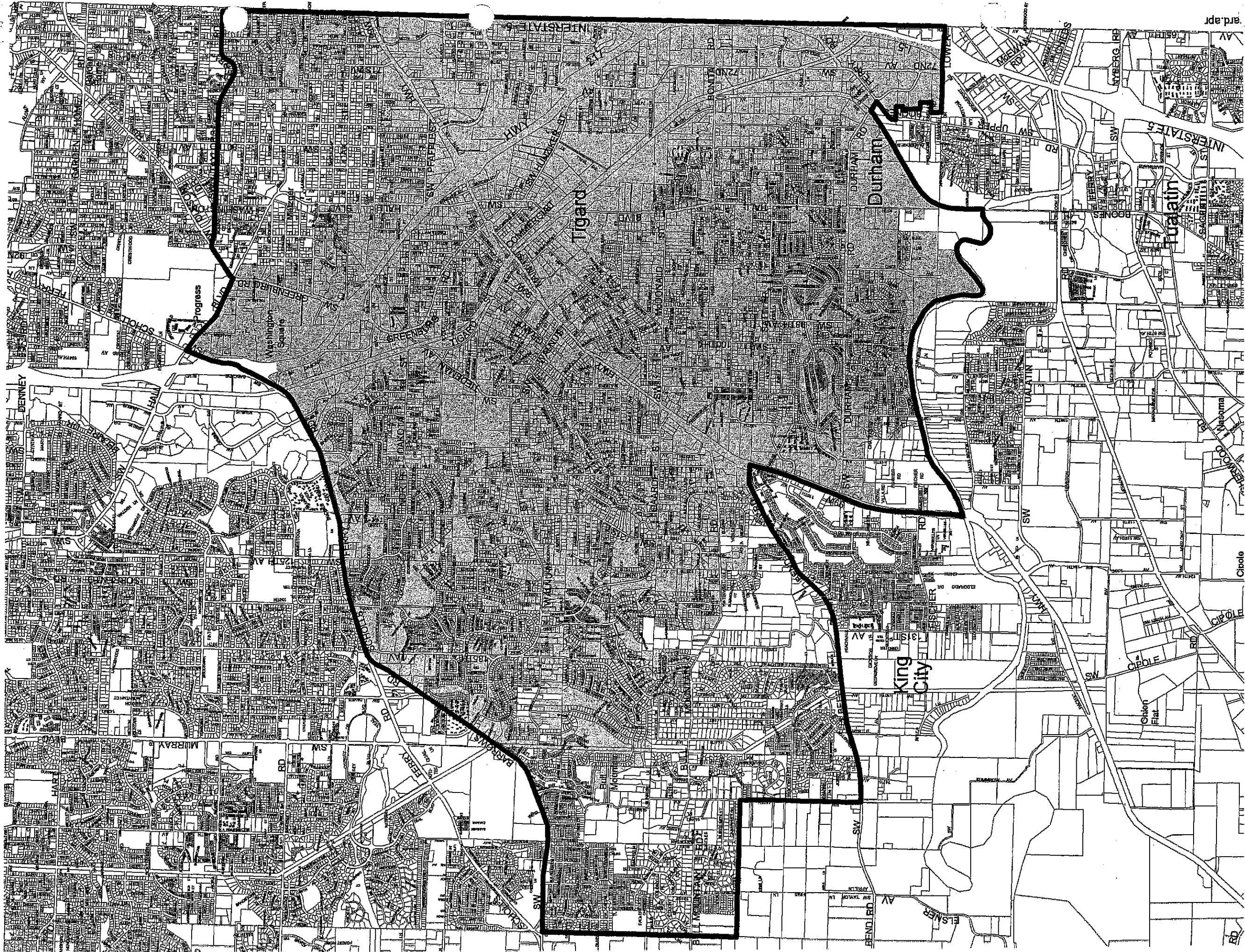
1. Supply:

- A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.
- B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.
- C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.
- D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.

2. Maintenance/Distribution:

- A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.
- B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.
- C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.

- D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.
3. Customer Service/Water Rates:
- A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.
- B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.
- C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.
4. Withdrawal/Annexation/Merger:
- A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.
- B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).
- C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.
- D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.



— Tigard Urban Service Area Boundary
■ City of Tigard



MAP A Tigard Urban Service Area Boundary

November 2002

larc8/area1/gorham/joanne/sb12
larc8/area1/gorham/joanne/sb12
DM 7/25/02
ard.apr